

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35163 of 2024

Arising Out of PS. Case No.-294 Year-2023 Thana- DAGARUA District- Purnia

MD. SIRAJUL RAHMAN @ MD. SIRAJUL HAQUE @ SIRAJUL HAQUE
SON OF LATE SABDAR ALI RESIDENT OF VILLAGE- KACHNA,
WARD NO. 04, PS- DAGARWA, DIST- PURNIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Jha, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 24-06-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Dagarwa P.S. case No. 294 of 2023 instituted for the offences
under Sections 341, 323, 324, 325, 307, 385, 504, 506, 379, 34
of the Indian Penal Code.

3. Prosecution case, in short, is that all the accused
persons including this petitioner armed with weapons demanded
one lakh *rangdaari* from the informant and, on denial, all of
them abused and assaulted him. It is specifically alleged that
this petitioner assaulted the informant on his head by means of
iron rod.

4. Learned counsel for the petitioner submitted that the



petitioner has falsely been implicated in the present case due to previous enmity. Learned counsel further submitted that although, it is specifically alleged that this petitioner assaulted the informant on his head and also pushed the iron rod in his mouth but he had no any intention to commit murder of the informant. Learned counsel further submitted that both parties are close agnates and there is previous land dispute between the parties and in support of his contention, learned counsel referred Annexure-P/3 to the present bail application. It has been submitted on behalf of the petitioner that the petitioner is in custody since 10.02.2024 and has one criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner and submitted that doctor has found Extraction of upper left tooth and Deep cut at right cheek and bleeding, which are vital parts of the body and doctor has opined that the aforesaid injuries are grievous in nature.

6. Considering the aforesaid facts and circumstances of the case, previous land dispute, case and counter-case between the parties as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.



7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Dagarwa P.S. case No. 294 of 2023 subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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