

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42425 of 2024

Arising Out of PS. Case No.-416 Year-2023 Thana- KESARIA District- East Champaran

Md. Imran S/o- Late Abdul Mazid Village- Baitiya Jirat Ps- Kesariya Dist-
East Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Abhishek Kumar, Adv.
For the informant	:	Mr. Madhurendra Kumar, Adv.
For the Opposite Party/s	:	Mr.Narendra Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 25-06-2024 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Kesariya P.S. Case No. 416 of 2023 dated 17.08.2023 registered for the offences punishable u/ss 341, 342, 323, 354, 379, 427, 307, 504, 506 read with Section 34 of the Indian Penal Code.

3. As per the prosecution case, when the informant was sitting at her door and her son Md. Bismillah was running airtel payment bank from the shop, in the meantime, the petitioner and the co-accused persons holding weapons came there and started abusing him. After hearing the noise, the informant's husband came there then and the petitioner inflicted



blow on his head with a sword causing injury to him and he fell down and became senseless. Thereafter, the informant tried to rescue her husband then the co-accused, Md. Habibullah@ Munna slammed her down on the ground and Md. Istiyaq took Rs. 30,000/- from the counter and the co-accused, Mintu Das and Majid damaged the laptop and the printer in the shop. The co-accused persons, Lakshman Das, Md. Kallibullah, Md. Sahid @ Nehal committed loot of articles of the shop worth of Rs. 15,000/-. The co-accused, Md. Ajaj and Md. Itekar also tore the blouse of the informant. It is further alleged that they also threatened to kidnap and kill the son of the informant.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. There is a case and counter case between the parties. The occurrence took place on 14.08.2023 but the F.I.R. was lodged on 17.08.2023 and there is no explanation for this delay. As per the injury report of the injured, the injuries are simple in nature. The petitioner has 11 criminal antecedents out of which 7 criminal antecedents have been mentioned in para 3 of the bail petition and 4 other criminal antecedents of the petitioner has been mentioned in para 2 of the supplementary affidavit filed on behalf of the petitioner. The petitioner is in custody since



28.02.2024.

5. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Matihari, East Champaran in connection with Kesariya P.S. Case No. 416 of 2023 with the condition :-

(i) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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