

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45530 of 2024

Arising Out of PS. Case No.-99 Year-2023 Thana- PAHARKATTA District- Kishanganj

Miraj @ Meraj Alam Son Of Imamuddin Resident Of Malbasti, P.S. -
Paharkatta, District - Kishanganj

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Hafiz Shahbaz Arif, Advocate
For the State	:	Mr. Mohammed Arif, APP
For the Informant	:	Mr. Raj Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 18-09-2024 Heard learned counsel for the petitioner, learned APP
for the State as also the learned counsel for the informant.

2. The petitioner is in custody in connection with S.T.
No. 118 of 2024 arising out of Paharkatta P.S. Case No. 99 of
2023 for the offence punishable under sections 447, 341, 323,
324, 325, 307, 354-B, 379, 504 and 34 of the Indian Penal Code
lodged on 12.07.2023 by the informant, Jamrool.

3. As per the prosecution story, the informant alleged
that due to land dispute, the accused persons started abusing and
later upon the order of this petitioner, the female inmates pushed
him on the ground thereafter he was assaulted. In the meantime,
this petitioner came out with the sword and tried to assault in the
stomach but having saved, he got injuries in his left hand which



has been found to be grievous in nature. The further allegation is of outraging the modesty and snatching of gold chain. Accordingly, the F.I.R.

4. Learned counsel for the petitioner submits that there is case and counter case, both sides have delayed in lodging of the F.I.R., in the present case there is five days' delay which gave ample time to implicate the family members. Admittedly, there is land dispute, he also suffered injuries as per paragraph no.39 of the case diary. Further, the submission is that without accepting the allegation and/or the outcome of the present petition in view of the fact that the informant side has alleged injuries, the petitioner(s) on its own would like to contribute towards the medical assistance of Rs.15,000/- through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant after checking the credentials.

5. Learned APP as also learned counsel for the informant on the other hand opposes the prayer submitting that the counter case is almost a fortnight later though, he concedes that this case also been lodged after five days, he points out that the injuries have been found to be grievous on the hand, beside



the criminal antecedent of the petitioner.

6. Learned counsel for the petitioner in reply submits that in the said case he has been acquitted.

7. Considering the aforesaid facts as also the period of custody, there is case and counter case and admittedly delay in lodging the F.I.R., the petitioner has also suffered grievous injury, in that background, this Court is inclined to extend him the privilege of bail subject to payment of Rs.15,000/- as undertaken by the learned counsel for the petitioner to be paid by Demand Draft of local State Bank of India to be submitted to the Trial Court.

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Sessions Judge, Kishanganj, in connection with S.T. No. 118 of 2024 arising out of Paharkatta P.S. Case No. 99 of 2023, subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive



dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for one year to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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