

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50733 of 2024

Arising Out of PS. Case No.-1257 Year-2023 Thana- TURKAULIYA District- East
Champaran

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Md. Samsad @ Shamsad Alam Son of Md. Hussain, Resident of Vill-
Singhiya, P.S.- Banjariya, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Y.C. Verma, Sr. Adv. Ms. Priyanka Singh, Adv.
For the Opposite Party/s	:	Md. Matloob Rab, APP
For the Informant	:	Ms. Rashmi Jha, Adv.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 24-07-2024 Heard Mr. Y.C. Verma, learned senior counsel for the

petitioner and the learned APP for the State. The informant is

represent by Ms. Rashmi Jha, learned counsel.

2. The petitioner seeks regular bail, who is in custody

in connection with Turkauliya (Banjeriya) P.S. Case No. 1257 of

2023 registered for the offences punishable under Sections 147,

148, 149, 341, 323, 324, 307, 379, 384 and 504 of the Indian

Penal Code.

3. Based upon the written report, the prosecution

alleges that on 13.12.2023, while the informant was going to his

house on a motorcycle, in the meantime, all the FIR named

accused persons along with five unknown persons intercepted

him and demanded Rs. 5 lac as *Rangdari* for carrying out his



business. It is specifically alleged that this petitioner assaulted the informant by means of butt of a pistol causing injury over the nose of the informant.

4. Learned senior counsel for the petitioner, referring to the FIR contended that the alleged occurrence took place on 13.12.2023. However, the present FIR has been instituted on 15.12.2023 and the delay has not been explained. It is further contended that the injury report (Annexure-2) does not corroborate the allegation, as the doctor who has examined the informant has not found any internal injury nor active bleeding from nose. It is next contended that, in fact, there is a business rivalry between the two parties leading to lodging of the FIR. The delay in lodging of the FIR cannot rule out the deliberation. It is further contended that even the prosecution does not suggest that the petitioner is made any extortion or snatched the valuables. It is lastly contended that the petitioner is in custody since 28.05.2024.

5. On the other hand, learned counsel for the State and learned counsel for the informant vehemently opposed the bail application and submitted that specific allegation of causing assault has been levelled against the petitioner. That apart, the petitioner is facing five criminal antecedent over his head.

6. Regard being had to the submissions made on behalf of the parties and considering the delay in lodging of the



FIR and the injury report, which does not corroborate the allegation, moreover mere antecedent of a person cannot be a sole ground to keep him behind the custody for an indefinite period, let the petitioner, named above, 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 learned 2nd Additional District and Sessions Judge, Motihari, East Champaran in connection with Turkauliya (Banjeriya) P.S. Case No. 1257 of 2023, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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