

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73071 of 2024

Arising Out of PS. Case No.-34 Year-2024 Thana- NAUHATTA District- Saharsa

Md. Dilshad @ Dilshad S/o Md. Masso @ Masrul @ Md. Masrul R/o
Village- Nauhatta, Ward No. 08, P.S.- Nauhatta, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kanchan Jha, Adv.
For the Opposite Party/s : Mr. Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 17-10-2024 Heard Mr. Madhav Jha, learned counsel for the
petitioner and Mr. Bharat Bhushan, learned APP.

2. The petitioner is in custody in connection with Nauhatta P.S. Case No. 34 of 2024 for the offence punishable under sections 341, 323, 324, 307, 379 and 504 of the Indian Penal Code lodged on 07.03.2024 by the informant, Deepak Kumar.

3. As per the prosecution story, the informant alleged that while passing through the house of Md. Ashfak Khan for searching his brother, the allegation is that this petitioner stopped him and wanted some money. On refusal, was abused and attacked causing injuries. When his nephew came to the rescue, he was also assaulted. He was taken to primary health center and then to Sadar Hospital, Saharsa which followed the



FIR.

4. Learned counsel for the petitioner submits that a minor scuffle has been given the color of assault, the doctors have found the injuries to be simple in nature, he do not have criminal antecedent and has remained in custody since 22.03.2024 (para 15 of the petition).

5. 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 on its own would like to contribute towards the medical assistance of Rs. 10,000/- 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.

6. Learned APP opposes the prayer for bail submitting that he assaulted both the informant and his nephew.

7. Though there is allegation of assault against the petitioner, the fact remains that he has remained in custody since 22.03.2024, the injury has been found to be simple in nature and further do not have criminal antecedent, learned counsel under instruction has submitted that he will be diligently appearing in trial, this Court is inclined to extend him the privilege of bail



with conditions subject to payment of Rs. 10,000/- to Deepak Kumar 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) each with two sureties of like amount each to the satisfaction of learned Judicial Magistrate 1st, Saharsa in connection with Nauhattha P.S. Case No. 34 of 2024 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)

Vijay Singh/-

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