

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79808 of 2024

Arising Out of PS. Case No.-265 Year-2024 Thana- PALASI District- Araria

Md Sadre Alam @ Sadre @ Sadarel @ Sader Alam S/O Badruddin Resident
of village - Farsadangi , ward no - 13, Police station - Palasi , District-Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Mukesh Kumar Rana, Adv.
For the Opposite Party/s	:	Ms.Suman Kumari Singh, APP
For the Informant	:	Mr. Vijay Kishore Bharti, Adv.

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

ORAL ORDER

3 06-02-2025 Heard learned counsel for the petitioner and learned

APP for the State as also learned counsel for the Informant.

Perused the case diary.

2. The petitioner seeks bail in connection with Palasi
P.S. Case No. 265 of 2024 instituted for the offences under
Sections 191(2), 191(3), 190, 126(2), 115(2), 109, 76, 303(2),
3(5) of the B.N.S.

3. As per prosecution case, the allegation against the
accused persons including the petitioner is of assaulting the
Informant and his family members by means of iron rod, *farsa*
etc. It is alleged that the petitioner has assaulted by *farsa* upon
the Informant's son due to which he sustained grievous injury
over his head.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence at all as alleged against him rather he has falsely been implicated in the present case only due to enmity over the land dispute and with a view to cause harassment. There is a case and counter case between the parties. Both the parties belong to one ancestor and due to partition of the property, the alleged occurrence took place. The injured Dilshad has sustained only one injury on his head and there is no repetition of blow. Learned counsel for the petitioner further submits that from the injury report, it appears that the injury is grievous in nature but, the same has been caused by hard and blunt substance. The petitioner has two criminal antecedents and is languishing in judicial custody since 04.09.2024 without any rhymes or reason. Charge-sheet has been submitted in this case against the petitioner.

5. On the other hand, learned counsel for the State and the Informant submit that the offence alleged against the petitioner is serious in nature as there is specific and direct allegation of assault by *farsa* upon the head of the Informant's son. The petitioner is named in the F.I.R. and, hence, he does not deserve bail.

6. Having heard rival contention of both the parties



and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner, let the petitioner, abovenamed, 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 Palasi P.S. Case No. 265 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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