

(2021) 02 PAT CK 0159**Patna High Court****Case No:** Criminal Miscellaneous No. 31665 Of 2020

Md. Kadir And Ors

APPELLANT

Vs

State Of Bihar

RESPONDENT

Date of Decision: Feb. 12, 2021**Acts Referred:**

- Indian Penal Code, 1860 - Section 34, 307, 323, 341, 379, 504, 506
- Code Of Criminal Procedure, 1973 - Section 438(2)

Hon'ble Judges: Ahsanuddin Amanullah, J**Bench:** Single Bench**Advocate:** Ram Prawesh Kumar, Shyam Kumar Singh**Final Decision:** Disposed Of**Judgement**

1. Heard Mr. Ram Prawesh Kumar, learned counsel for the petitioners and Mr. Shyam Kumar Singh, learned Additional Public Prosecutor

(hereinafter referred to as the "APP") for the State.

2. The petitioners apprehend arrest in connection with K Nagar PS Case No. 220 of 2019 dated 18.06.2019, instituted under Sections

341/323/307/379/504/506/34 of the Indian Penal Code.

3. The allegation against the petitioners is of assault on the informant side and specifically against another co-accused of giving dabia blow on the head

and right hand of the informant and against petitioner no. 1 of giving lathi blow on the head whereas against petitioner no. 2 is of assault by dabia on

the head of third brother of the informant who sustained injury from which blood was coming.

4. Learned counsel for the petitioners submitted that the parties are agnates and there is also counter case and even earlier the petitioners were made accused in another case by the informant's side. Learned counsel submitted that the petitioners have been falsely implicated due to land dispute and the injury is simple caused by hard blunt substance and only against co-accused Md. Mosin, who is not before the Court, the allegation is of assault on the head of the informant which has been found to be grievous.

5. Learned APP submitted that the petitioners are also accused of assault.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Purnea in K. Nagar PS Case No.

220 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further (i) that one of the bailors shall be a close relative of the petitioners, (ii) that the petitioners and the bailors shall execute bond with regard to good behaviour of the petitioners, and (iii) that the petitioners shall also give an undertaking to the Court that they shall not indulge in any illegal/criminal activity, act in violation of any law/statutory provisions, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of their bail bonds. The petitioners shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of their bail bonds.

7. The application stands disposed off in the aforementioned terms.