

Md. Kudus And Ors Vs State Of Bihar

Court: Patna High Court

Date of Decision: March 9, 2021

Acts Referred: Indian Penal Code, 1860 " Section 34, 307, 323, 324, 341, 379, 504
Code Of Criminal Procedure, 1973 " Section 438(2)

Hon'ble Judges: Ahsanuddin Amanullah, J

Bench: Single Bench

Advocate: Nafisuzzoha, Meena Singh

Final Decision: Disposed Of

Judgement

1. Heard Mr. Nafisuzzoha, learned counsel for the petitioners and Ms. Meena Singh, learned Additional Public Prosecutor (hereinafter referred to as

the APP) for the State.

2. The petitioners apprehend arrest in connection with Jadia PS Case No.165 of 2019 dated 08.09.2019 instituted under Sections 341, 323, 324, 307,

379, 504/34 of the Indian Penal Code.

3. The allegation against the petitioner no. 1 is that on the order from the petitioner no. 2, he assaulted the nephew of the informant by iron rod on head

and against petitioner no. 3 is that she snatched the gold ring and silver locket of sister-in-law of the informant.

4. Learned counsel for the petitioners submitted that the parties are neighbours and agnates and there is long dispute and prior to the present case, the

petitioner no. 1 lodged Jadia PS Case No.164 of 2019 on 08.09.2019 under Sections 341, 323, 324, 307, 379, 504/34 of the Indian Penal Code against

the brother of the informant and his family members. Learned counsel submitted that the allegation of injury by iron rod over head has been found to

be simple in nature. Learned counsel further submitted that both sides have sustained injuries and further, that petitioner no. 2 is aged 72 years old and

the petitioner no. 3 is a lady being a simple house wife. It was submitted that the petitioners have clean antecedents.

5. Learned APP submitted that there is allegation of assault against the petitioners.

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 ACJM-1, Supaul, in Jadia PS Case No.165 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

cooperate with the Court/police/prosecution. Any violation of the terms and conditions of the bonds or failure to cooperate shall lead to cancellation of

their bail bonds.

7. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioners, to the notice of the Court

concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioners.

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