

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12776 of 2015

Arising Out of PS.Case No. -121 Year- 2014 Thana -AWADPUR District- KATIHAR

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Md. Hafizul Iqbal @ Md. Iqbal S/o Late Gulam @ Late Gulam Mustafa
resident of Dham tala, Dhatta, P.S. Abadpur, District Katihar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rana Vikram Singh, Advocate

For the State : Mr. Jitendra Kr.Roy, APP

For the informant : Mr.Md.Mosowir, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 27-05-2015

Heard the parties.

The petitioner seeks bail in a criminal prosecution originally registered under Sections 341 and 307/34 of the Indian Penal Code in which subsequently the offence under Section 302 of the Indian Penal Code was also added.

Though the petitioner is named in the first information report vide Annexure-1 as an accused but taking into consideration the fact that he is alleged to be only the order giver whereupon his son co-accused Md.Tauqeet is alleged to have assaulted the son of the informant, as a result of which he became injured and subsequently died on the way to hospital, and further taking into consideration the fact that he is said to be the first offender and is in judicial custody since 07.01.2015, his payer for bail is allowed. The above named petitioner is ordered to be released on bail on furnishing bail bond of Rs.25,000/-(Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar in connection with Abadpur P.S.Case No. 121 of 2014, subject to the following conditions:

- (A) one of the bailors must be a government servant,
- (B) another bailor shall be a close family member or a close relation of the petitioner who will file an affidavit in the court below showing his/her relationship with the petitioner,
- (C) if the petitioner is found involved in same and similar nature of cases in future, then in that case, the informant/prosecution shall be at liberty to file a petition for cancellation of bail of the petitioner, and if such a petition is filed, the court below would be obliged to dispose of the same in accordance with law after giving opportunity of hearing to all concerned, and
- (D) the petitioner shall make regular pairvi in the court below in the present case either by appearing himself in person or through representation by his lawyer on each and every dates, and if on two consecutive dates petitioner fails to make pairvi, then the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Prasad Verma, J)

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