

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43240 of 2019

Arising Out of PS. Case No.-49 Year-2019 Thana- AAJAM NAGAR District- Katihar

Lukman Ansari, male, aged about 48 years, S/o Late Habib Ansari Resident of Village- Bagchhala, P.S.- Azamnagar, District- Katihar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Suresh Prasad Sah @ Baranwal, Advocate
For the Opposite Party : APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 12-07-2019 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 147, 149, 341, 323, 324, 325, 307, 504 and 506 of the Indian Penal Code registered in connection with Azamnagar P.S. Case No. 49 of 2019.

3. It is submitted that the petitioner has been falsely implicated in the backdrop of admitted past dispute in respect of which the petitioner's wife had lodged the FIR in Azamnagar P.S. 229 of 2017 against the informant's side. The accusation of assault with *Katta* on the right side of the informant's head causing injury is not supported by the injury report which does not disclose any injury on his head whatsoever. It is submitted that the injury allegedly caused to the informant's wife on her finger attributable to assault with knife by the petitioner is on non-vital part of the body. The petitioner claims clean antecedents.

4. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be



released on provisional bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar in connection with Azamnagar P.S. Case No. 49 of 2019, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. and with further conditions --

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(iv) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

5. The provisional bail granted to the petitioner shall be confirmed upon verification by the learned court below, preferably within a period of four weeks after furnishing bail bonds, that the informant has not sustained any grievous injury on the right side of his head, failing which his bail bond shall stand automatically cancelled.

(Vikash Jain, J)

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