

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50348 of 2019

Arising Out of PS. Case No.-259 Year-2019 Thana- KATIHAR District- Katihar

Md. Firoj @ Md. Firoj Alam, aged about 32 years, Son of Md. Ahmad Husain, Resident of Rampara, Ward No. 23, P.S.- Nagar, District- Katihar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Arun Kumar Mandal, Advocate
For the Opposite Party : APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 13-08-2019 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 341, 323, 307, 324, 379, 504, 506 and 34 of the Indian Penal Code registered in connection with Nagar P.S. Case No. 259 of 2019.

3. It is submitted that the petitioner has been falsely implicated in the backdrop of property dispute in respect of which a complaint in Janta Darbar was filed for which the matter was referred to the Circle Officer, Katihar for resolution of the dispute. It is submitted that there is no specific accusation of assault attributed to the petitioner and the accusation against the petitioner who is said to have snatched Rs. 50,000/- from the pocket of Md. Sallaudin is mere embellishment. The petitioner is also said to have brandished a country made pistol but there is no corresponding firearm injury to support the accusation of firing. It is submitted that in any event, the injuries found on the injured, namely, Bibi Saida Khatoon, Md. Salauddin and Soukat Ali sustained by hard and blunt substance are simple in nature. 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 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 Nagar P.S. Case No. 259 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.

(Vikash Jain, J)

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