

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56321 of 2019**

Arising Out of PS. Case No.-131 Year-2019 Thana- BAJPATTI District-
Sitamarhi

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MD. SHABBIR Son of Late Md. Kajim Resident of Village- Madhuban Got,
P.S.- Bajpatti, District- Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Ashhar Mustafa, Advocate.

For the Opposite Party: Mr. Pawan Kumar Chaurasia, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 05-09-2019

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, 386, 354B, 504, 506/34
of the Indian Penal Code registered in connection with Bajpatti
P.S. Case No. 131 of 2019.

3. It is submitted that the petitioner has been falsely
implicated and there is considerable delay in instituting the F.I.R.
on 03.05.2019 for the alleged occurrence of 18.04.2019. The
petitioner and his two sons are accused of having assaulted the
informant and tried to outrage the modesty of the informant's
wife when she came to rescue. The petitioner is the father-in-law
of the informant's elder brother of the informant and the real
dispute relates to partition of property. Similarly situated co-
accused persons, sons of the petitioner, have been granted
anticipatory bail by this Court in Cr. Misc. No. 53748 of 2019. The
petitioner is the Mukhiya of the Madhuban Basha Purvi
Panchayat, at whose instance Bajpatti P.S. Case No. 86 of 2018
had been instituted against the husband of the informant and
others and in which the petitioner is a witness, in retaliation to



which two F.I.Rs in Bajpatti P.S. Case No. 103 of 2018 and Bajpatti P.S. Case No. 183 of 2018 were lodged against the petitioner. The third case in Bajpatti P.S. Case No. 245 of 2019 against the petitioner has been found false in the preliminary investigation.

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 Sub-Divisional Judicial Magistrate, Pupri at Sitamarhi in connection with Bajpatti P.S. Case No. 131 of 2019, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following 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 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.

(iv) 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.

(Vikash Jain, J)

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