

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57902 of 2019**

Arising Out of PS. Case No.-15 Year-2019 Thana- PARBATTa District-
Bhagalpur

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AFTAB ALAM @ MD. AFTAB ALAM, male, aged about 42 years, S/o Sk
Tohid R/o village- Jmunia, P.S.- Parbatta, District- Bhagalpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Rajesh Kumar, Advocate.

For the Opposite Party: Mr. Amarendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 13-09-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 147, 148, 149, 323, 307, 506 of the Indian Penal Code registered in connection with Parbatta P.S. Case No. 15 of 2019.

3. It is submitted that the petitioner has been falsely implicated in the backdrop of land dispute between the parties. The present F.I.R. has been instituted in retaliation to the F.I.R. lodged by the petitioner's uncle Md. Gulam Ali. It is further submitted that the X-ray of skull and right wrist of the informant does not suggest bony fracture (Annexure-3) subject to primary opinion and final may be obtained from MO SDH, Naugachia. 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 Additional Chief Judicial Magistrate-IIrd, Naugachia, Dist- Bhagalpur in connection with Parbatta P.S. Case No. 15 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.

5. The provisional bail granted to the petitioner shall



be confirmed by the learned Court below within a further period of four weeks after furnishing bail bond, subject to verification from the final report of the MO SDH, Naugachia that no grievous injury has been sustained by the informant. In case grievous injury is found, his bail bond shall stand automatically cancelled.

(Vikash Jain, J)

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