

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 27920 of 2020**

Arising Out of PS. Case No.-67 Year-2018 Thana- BHAPTIAHI District- Supaul

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MD MAHTAB @ MD MAHTAB ALAM S/o Md Faruk Resident of Jhila
Dumri, Ward No 12, Police Station - Bhaptiyahi, District - Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Arun, Advocate

For the Opposite Party/s : Mr Kumar Uday Pratap, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 02-11-2020 As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Heard learned counsel for the petitioner.

Mr Kumar Uday Pratap, APP is appearing as it is submitted that the brief has been allotted to him by the Office of Advocate General.

The petitioner seeks bail in Bhaptiyahi Police Station (for brevity, PS) Case No 67 of 2018 instituted for the offence



punishable under Sections 302/34, 120B of Indian Penal Code.

The prosecution case is that altogether 9 – 10 accused persons have assaulted the informant's brother.

Learned counsel for the petitioner submits that the specific allegation of piercing the victim with a pointed weapon "Gupti" is against co-accused Md Zubair. The post mortem report also corroborates only two stabbed wounds. The petitioner has no criminal antecedent and has falsely been implicated as member of the mob. The petitioner is in custody since 13.05.2020 and at the time of alleged occurrence, he was outside the State to earn his livelihood.

The learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Supaul in Bhaptiyahi PS Case No 67 of 2018 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also



undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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