

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)  
CRIMINAL MISCELLANEOUS No.30154 of 2020**

Arising Out of PS. Case No.-358 Year-2020 Thana- HAJIPUR District- Vaishali

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AHMAD HUSSAIN @ AHMAD @ MD. KALAM Son of Late Ahmad  
Resident of East Noon Gola, P.S.- Town Hajipur, District- Vaishali-844100.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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**Appearance :**

For the Petitioner/s : Mr.Surendra Kishore Thakur, Advocate

For the Opposite Party/s : Mr.Humayu Ahmad Khan, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD  
ORAL ORDER**

2      17-12-2020                      Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Humayu Ahmad Khan, learned APP for the State.

The petitioner in the present case is seeking pre-arrest bail in connection with Hajipur Town P.S. Case No. 358 of 2020 registered for the offences punishable under Sections 341, 323, 353, 504, 506/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per the First Information Report when the informant who is a police officer had gone to the village to enquire into the allegations made by one Md. Irfan with whom a land dispute is going on between the petitioner and said Md. Irfan, this petitioner is said to have arrived near the place of occurrence and indulged in creating a



nuisance and that despite efforts taken by the informant to convince him, he misbehaved, threatened and made disturbance in discharge of official duties. It is then alleged that when the informant along with his police personnel tried to catch hold of the petitioner he fled away.

Learned counsel submits that the whole allegations are baseless and in fact this petitioner was already living under threat of false implication at the instance of Md. Irfan. It is submitted that on 31.05.2020 itself this petitioner had submitted an application to the Superintendent of Police, Vaishali at Hajipur that at the instance of said Md. Irfan this informant who had a good friendly relationship with him had gone there and then lodged the present case under his own hand. Learned counsel submits that it is highly improbable that the petitioner shall indulge in such act with the informant and then will flee away despite presence of the police party. Petitioner is said to be 60 years old person having no criminal antecedent.

Learned A.P.P. for the State has though opposed the prayer for pre-arrest bail of the petitioner, in the nature of the disputes and the allegations, let the petitioner above-named in the event of his arrest or surrender within a period of four weeks from today in connection with Hajipur Town P.S. Case No. 358/2020 be released on bail on furnishing of bail bonds of Rs. 25,000/-



(twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner.

**(Rajeev Ranjan Prasad, J)**

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

