

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11752 of 2021

Arising Out of PS. Case No.-368 Year-2020 Thana- FORBESGANJ District- Araria

MD. ANJAR @ MD. ANJAAR @ BABLU, Son of Ayub, Resident of
Korhaili East Ward No. 7, P.S.- Forbesganj, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anamul Haque, Adv.

For the Opposite Party/s : Mr. Sanjay Kr. Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 13-07-2021 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceedings.

Learned counsel for the petitioner undertakes to
remove the defects as pointed out by the office within four
weeks of normal functioning of the court, failing which the
office is directed to place the matter before the Bench.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 147, 148, 149, 447, 448, 341,
323, 337, 338, 307, 302, 504 of the Indian Penal Code.

As per FIR, allegation against the petitioner is that
petitioner alongwith 14 other accused persons surrounded the
informant and assaulted him and when one neighbour namely
Md. Aziz tried to intervene into the matter, he was assaulted by
the accused persons namely, Md. Ahmad and Kamruz-zama.



Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that as per FIR, it is evident that no overt act has been alleged against the petitioner and there is specific allegation against co-accused persons namely, Md. Aziz and Kamruz-zama who assaulted the deceased, Md. Aziz leading to his death. The petitioner is languishing in judicial custody since 26.08.2020. The petitioner has got 03 criminal antecedents which is mentioned in para 3 of the bail petition. Similarly situated co-accused have been granted bail by a co-ordinate Bench of this court which is annexed as Annexure-2 of the bail application.

Learned APP for the State opposes the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each in connection with Forbesganj P.S. Case No. 368/2020, G.R. No. 1555/2020 to the satisfaction of learned Court below where the case is pending/ successor court; subject to the following conditions:



(1) that one of the bailors will be a close relative of the petitioner, who will be given an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) that the bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

(3) that the petitioner will be well represented on each and every date fixed in the case and if he fails to do so on two consecutive dates his bail bond will be liable to be cancelled.

(4) that the petitioner shall co-operate 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.

(Anjani Kumar Sharan, J)

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