

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27681 of 2021**

Arising Out of PS. Case No.-456 Year-2020 Thana- SAHEBGANJ District- Muzaffarpur

MD. RAJA ANSARI @ MD. RAJA @ MUNNA Son of Md. Muslim Ansari
Resident of Village - Fathehabad, P.S.- Paroo, District - Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Nachiketa Jha, Advocate
For the State	:	Mr.Taroon Prasad Mandal, APP.
For the Informant		Mr. Suraj Nr. Yadav, Advocate
		Mr. Masoom Alam, Advocate

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 30-11-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in connection with Sahebganj P.S. Case No. 456 of 2020 registered for the offences punishable under Sections 341, 342, 447, 323, 307, 324, 504/34 of the I.P.C.

According to prosecution case, on 19.08.2020 at around 1:00 P.M., petitioner along with other accused having armed with weapon arrived at the house of the informant and started abusing the elder brother of the informant. Upon protest,



on the order of Kulsun Begam all accused persons assaulted him. When his mother went to save him, Kulsum Begam and Kasim caught her and Md. Ahsan assaulted her with iron rod who fell down and became unconscious. Meanwhile, when Md. Mubarak tried to pacify the matter, petitioner assaulted him with iron rod with intention to kill him resulting damage of his eye.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. Learned counsel further submits that date of occurrence is 19.08.2020 and the present FIR has been lodged on 25.08.2020. Charge sheet has been submitted in this case against the petitioner. Learned counsel further submits that present case is counter blast of Sahebganj P.S. Case No. 453 of 2020 filed by Kulsum Khatoon registered under Sections 341, 342, 447, 323, 379, 504/34 of the IPC against the informant and others.

Learned counsel for the informant as well as learned Additional Public Prosecutor vehemently opposed the prayer on the basis of case diary and other materials available on the record. They submit that petitioner is named in the FIR and there is sufficient material against him in the case diary.



Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-1st (West), Muzaffarpur in connection with Sahebganj P.S. Case No. 456 of 2020 , subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the



court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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