

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40977 of 2021

Arising Out of PS. Case No.-76 Year-2020 Thana- MAHKAR District- Gaya

Md. Ashique @ Md. Asif @ Md. Afif S/o- Md. Abdul Aziz R/o Village-
Neyamatpur, P.S.- Mahkar, District- Gaya ant at present residing at House No.
F-83 Janta Colony, Welcome Bhajanpura, North East Delhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rama Kant Singh

For the Opposite Party/s : Mr.Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 22-10-2021 This matter is taken up for consideration through
Video Conferencing.

Heard both parties.

The petitioner seeks bail in Mahkar P.S. Case No. 76
of 2020, registered for the offence punishable under Sections
302/34 of the Indian Penal Code.

As per the prosecution case, while the informant and
his father were coming by the side of field, petitioner along with
others assaulted the father of informant by means of knife. On
hearing hulla, Rukhsana Khatoon (wife of deceased) came out
of her house and she saw fleeing away petitioner and others, but
she did not recognize other culprit.

It is submitted on behalf of the petitioner that there is



general and omnibus allegation and no specific overt act has been alleged against this petitioner. Both parties are agnates and due to land dispute petitioner has been falsely implicated. Petitioner is in custody since 01.03.2021 having clean antecedent. Investigation is complete.

Considering the facts and circumstances of the case, the petitioner above-named, is directed to be enlarged 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 Chief Judicial Magistrate, Gaya in connection with Mahkar P.S. Case No. 76 of 2020, subject to following conditions:-

(i) The 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

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

(Prabhat Kumar Singh, J)

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