

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55813 of 2021

Arising Out of PS. Case No.-175 Year-2020 Thana- KISHANGANJ District- Kishanganj

MD. GULAM MUSTAFA @ GHULAM MUSTAFA Son of Tamijuddin
Resident of Mohalla- Balichuka, Police Station- Goalpokhar in the district of
uttar Dinajpur (W.B.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar, Adv.

For the Opposite Party/s : Mr.Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 15-12-2021 Heard the learned counsel for the petitioner and
the learned APP appearing for the State.

The present petition is by way of second attempt at the behest of the petitioner for grant of regular bail in connection with Kishanganj PS case no. 175 of 2020, registered under Sections 353, 307 and other allied sections of Indian Penal Code and Section 27 of Arms Act, inasmuch as the petitioner was permitted to withdraw the earlier bail petition vide order dated 02.02.2021, passed in Cr. Misc. no. 35003 of 2020, with liberty to renew his prayer for bail after framing of charges by the learned court below.

The petitioner is alleged to have attacked the police personnel along with other accused persons when the police



personnel were trying to apprehend the petitioner.

The learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case on account of his bad criminal antecedent and is languishing in custody since 30.04.2020. The learned counsel for the petitioner has further submitted that the charges have already been framed in the present case against the petitioner by the learned court below. It is further submitted that the injuries, whatsoever, found on the person of the police personnel have been found to be simple in nature. Moreover, the petitioner is ready to abide by such terms and conditions as may be deemed fit and proper to be imposed upon him for the purposes of grant of bail.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that the charges have already been framed against the petitioner by the learned court below in the present case, as has been averred by the learned counsel for the petitioner, I deem it fit and proper to admit the petitioner to the privilege of bail but subject to certain conditions.



Accordingly, the abovenamed petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of Chief Judicial Magistrate, Kishanganj in connection with Kishanganj PS case no. 175 of 2020.

It is further directed that the petitioner shall mark his presence before the officer-in-charge of the concerned police station at 10 am on every Monday, starting from the day he is released on bail, and in case of failure to do so on two consecutive occasions, the present privilege of bail shall stand cancelled automatically and the petitioner shall be taken into custody forthwith.

(Mohit Kumar Shah, J)

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