

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3119 of 2022

Arising Out of PS. Case No.-65 Year-2021 Thana- ANGARGHAT District- Samastipur

Md. Daud Son of Md. Jasim Resident of Village- Harpur Rewari, Tola-
Rampur Samthu, Ward No.- 09, P.S.- Angarghat, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rana Sanjay Kumar Singh

For the Opposite Party/s : Mr. Rajendra Nath Jha

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 28-11-2022 Heard Ld. counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in connection with
Angarghat P.S Case No. 65 of 2021, registered for the
offences punishable under Sections 147, 148, 149, 341,
323, 307, 302, 325, 504 and Section 506 of the Indian
Penal Code.

The prosecution story as emerges from the FIR is
that on a dispute of flowing of rain water, the accused
persons named in the FIR abused and assaulted the
informant and his family and they also attacked the
informant's son, Md. Hakikat with lathi, danda and rod when



he was returning home after attending call of nature. As a result, the victim of severe injury over his head resulting into his death on his way to hospital.

The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The petitioner has been languishing in jail since 15.09.2021. He also submits that allegation against the petitioner is only of causing injury to the informant and the person who allegedly caused death of the alleged victim, Md. Jalaluddin, is not the petitioner herein.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court for grant of anticipatory bail or regular bail in the instant matter.

It has further been stated in paragraph no. 3 of the petition that the petitioner has no criminal antecedent.

However, the learned APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, particularly the fact that as per allegation, the present



accused-petitioner has not caused death of the victim, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Additional Chief Judicial Magistrate – II, Dalsingsarai, Samastipur in connection with Angarghat P.S. Case No. 65 of 2021, **after framing of charge, if already not framed** on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner 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.

(iv) In case, it is brought to the notice of the court



below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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