

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4230 of 2022

Arising Out of PS. Case No.-160 Year-2020 Thana- BATHNAHA District- Sitamarhi

MOTIBUR RAHMAN @ TINKU KHAN @ MOTIBUL RAHMAN SON OF
JAHUR KHAN, R/O VILLAGE- KAMALADAH, WARD NO.3, P.S.-
BATHNAHA, DISTRICT- SITAMARHI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Newedita Nirvikar, Sr. Advocate

Mr. Shankar Kumar

For the Opposite Party/s : Mr. Surendra Prasad Singh

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 23-05-2022 The learned counsel for the petitioner is directed to
remove all the defects pointed out by the office within one month.

Heard the learned counsel for the petitioner as well as
the learned counsel for the informant.

In this case, the petitioner is seeking regular bail in
connection with Bathnaha P.S. Case No. 160 of 2020 registered for
offence punishable under sections 147, 148, 149, 323, 324, 307,
379, 504, 506 and 354 of the Indian Penal Code.

The learned counsel for the petitioner at the outset has
submitted that the learned District Judge in the impugned order
has mentioned five criminal antecedents of the petitioner, whereas
in paragraph 3 of the bail petition, only three criminal antecedents
have been mentioned. The learned counsel for the petitioner has
disclosed the reason for mentioning only three criminal



antecedents. She submitted that in one case, the petitioner was acquitted, vide judgment and order dated 03.08.2008 in Sessions Trial No. 327 of 2008 by the Additional Sessions Judge, Fast Track Court-V, Sitamarhi. In second case, i.e. Bartaba P.S. Case No.359 of 2017, after investigation, the police has submitted *Final Form* and still there is no order of cognizance by the learned court below. She has submitted further that amongst three cases, mentioned in paragraph 3 of the bail petition, two cases have been lodged by the informant side and the petitioner is on bail in all the three cases. She has also submitted that the petitioner is under custody since 31.08.2021.

The specific allegation against the petitioner is that he inflicted *farsa* blow on the head of the informant.

The learned counsel for the petitioner has submitted that there is previous enmity between the parties and both the parties have lodged a number of cases against each other.

Per contra the learned counsel for the informant has submitted that the petitioner is direct assailant and he has inflicted *farsa* blow on the vital part of the informant.

As per injury report, the injured Mohammad Mostkim Laheri has sustained four injuries amongst them three injuries are simple in nature and one injury has opined by the doctor as may be dangerous.



Considering the above-mentioned facts and circumstances as well as the period of custody, let the petitioner above-named be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Bathnaha P.S. Case No. 160 of 2020, subject to the following conditions:-

- (i) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.
- (ii) If the petitioner is found involved in future in the similar type of offence, the prosecution will have liberty to file an application before the court below for cancellation of the bail of the petitioner and the learned court below will take decision in accordance with law.

Office shall ensure that all defects are removed by the petitioner within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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