

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3739 of 2022

Arising Out of PS. Case No.-244 Year-2021 Thana- BASOPATTI District- Madhubani

KURBAN PAMARI @ MD.KURBAN PAMARI, Son of Md. Kasim @ Kasim Pamari Resident of Village- Bundeldhand, P.S.- Basopatti, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav

Mr. Rajesh Kumar

Mr. Ravi Prakash

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 20-07-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with Basopatti P.S. Case No. 244 of 2021, dated 04.10.2021, G.R. No. 1832 of 2021, registered for the offences punishable under Sections 323, 341, 307 and 504 of the I.P.C. and Section 37(c) of Bihar Prohibition and Excise Act, 2016.

As per allegation, the petitioner, in drunken condition, abused and assaulted the informant's son by inflicting knife blow, causing injuries to him.



The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He has also submitted that as per the injury report, the alleged injury is grievous in nature but the injury report was issued by a private hospital which is not reliable. He also submits that there is no injury report in case diary from any higher hospital. He further submits that no such occurrence has ever taken place and the whole prosecution is baseless and concocted and due to previous enmity, this false case has been lodged against the petitioner. He also submits that the petitioner is languishing in jail since 05.10.2021, ie. for about 10 months.

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.

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

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

Considering the aforesaid facts and circumstances,



particularly the period of custody, 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 learned Addl. Sessions Judge-II cum Special Judge, Excise Act, Madhubani in connection with Basopatti P.S. Case No. 244 of 2021 dated 04.10.2021, G.R. No. 1832 of 2021, **after framing of charge**, 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 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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