

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4784 of 2022

Arising Out of PS. Case No.-54 Year-2021 Thana- KATHAIYA District- Muzaffarpur

MD SHAHID Son of Md. Bajaji Resident of Village- Gopinathpur, P.S.-
Kathaiya, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 19-12-2022 Heard Ld. counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in connection with
Kathaiya P.S. Case No. 54 of 2021, registered for the
offences punishable under Sections 447, 341, 323, 326,
307, 504, 506 and 34 of the Indian Penal Code.

The prosecution story as emerges form the FIR is
that there was a scuffle between two communities and when
one old person, namely, Sohan Mahto tried to pacify the
same, he fell down in a pan of boiled oil, as a result he
sustained burn injury.

Ld. counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in this case. He further submits that even alleged victim has not been examined by the police though investigation in this case is complete and charge-sheet has already been submitted. He also submits that as per the injury report, injury has been caused by hard blunt.

The petitioner has been languishing in jail since 12.11.2021.

It is also stated in paragraph no. 2 of the petition that the petitioner has moved for grant of anticipatory bail before this Hon'ble Court which has been withdrawn vide order dated 07.01.2022 passed in Cr. Misc. No. 51856 of 2021.

It has further been stated in paragraph no. 3 that the petitioner has been made accused in one more case.

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

Considering the aforesaid facts and circumstances, 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, VI, West, Muzafarpur, in connection with kathaiya P. S. Case No. 54 of 2021, **after framing of charge, if not already 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 criminal antecedent other than the disclosed one, 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.

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)

ramesh/-

U		T	
---	--	---	--

