

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18879 of 2022

Arising Out of PS. Case No.-368 Year-2018 Thana- SIKARPUR District- West Champaran

NEYAB ALAM @ MD. NEYAB S/o Late Naim @ Sheikh Naim R/o village-
Purainiya, P.S.- Mainatand, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Opposite Party/s : Mr. Abhay Kumar Roy

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

2 25-07-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with

Shikarpur P.S. Case No. 368 of 2018, registered for the

offences punishable under Sections 307, 341 and 34 of the

IPC.

Prosecution story in brief is that two persons,

namely, Kaushar Baitha and Neyab Alam came to the house



of the informant and took her son with them on motorcycle and assaulted him. Thereafter, they threw him at Maniyari Canal. Next morning, herdsman saw the victim and informed the police. The police came and took the victim to the hospital for his treatment.

The learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. He submits that there is no eye-witness to the alleged occurrence. He further submits that the F.I.R. has been lodged after 29 days of the alleged occurrence, as the date of the alleged occurrence is 02.09.2018 whereas the FIR has been lodged on 01.10.2018. He also submits that as a matter of fact, the alleged victim has got injured on account of accident and not by any assault by the accused petitioner. He also submits that similarly situated co-accused, namely, Kaushar Baitha has already been enlarged on bail by a co-ordinate Bench of this Court *vide* order dated 15.06.2021, passed in Cr. Misc. No. 2887 of 2021.

The petitioner is languishing in jail since 17.12.2021.



It is also stated in paragraph no. 2 of the petition that the petitioner has never moved before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that earlier the petitioner has been made accused in Maintand P.S. Case No. 69 of 2013.

However, the learned APP for the State has opposed the prayer 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 learned C.J.M., Bettiah, West Champaran in connection with Shikarpur P.S. Case No. 368 of 2018 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.

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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