

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No. 21910 of 2022**

Arising Out of PS. Case No.-225 Year-2020 Thana- BAISI District- Purnia

=====

QUAMRUL Son of Late Abdul Khalique @ Late Abdul Khalifa Resident of  
Chopra Purab Tola, P.s.- Baisi, District - Purnea.

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

=====

**Appearance :**

|                          |   |                             |
|--------------------------|---|-----------------------------|
| For the Petitioner/s     | : | Mr.Md Fazle Karim, Advocate |
| For the Opposite Party/s | : | Mr.Sanjay Kumar Tiwary, APP |
| For the Informant        | : | Mr. Rashid Izhar, Advocate  |
|                          |   | Mr. Shams Akhtar, Advocate  |

=====

**CORAM: HONOURABLE MR. JUSTICE S. KUMAR**  
**ORAL ORDER**

2      18-07-2022                      Heard learned counsel for petitioner and learned  
counsel for the State.

Petitioner, who is in custody, seeks bail in a case  
registered for the offences punishable under Sections 147, 148,  
149, 341, 323, 324, 307, and 302 of the Indian Penal Code.

Allegation against petitioner and other co-accused  
is of assaulting the brothers of informant, as a result of which  
his elder brother died. There is dispute with respect to  
construction of Chajja.

It has been submitted on behalf of the petitioner  
that he is innocent and has been falsely implicated in this case  
on account of village rivalry and animosity. There is no specific  
allegation of assault against petitioner rather there is specific

allegation of assault against co-accused Mirshid. It has been further submitted that other co-accused persons have been granted anticipatory bail and regular bail by a co-ordinate Bench of this Court as contained in Annexure-2 and Annexure-3. Petitioner has no criminal antecedent and is in custody since 13.09.2021.

Learned Counsel for the informant has vehemently opposed the prayer for grant of regular bail to the petitioner and he has stated that FIR is not true statement of the informant rather is a manipulative one at the instance of local influence/connivance of the local police station. The Superintendent of Police, Purnea at his own instance got the statement of informant and other witnesses examined under Section 164 of Cr.P.C. Due to manipulative steps by the police, the Vigilance department also intervened and the A.S.I. of the police station was arrested. Statement of 164 of the witnesses of this case have clearly stated that the present petitioner Quamrul is one of the assailant alongwith Mirshid. Thus, petitioner does not deserve Bail being assailant of the deceased another injured witnesses.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail

upon furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Purnea, in connection with Baisi P.S. Case No. 225 of 2020, subject to conditions that:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and his absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel his bail bond.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

**(S. Kumar, J)**

Rajiv/veena-

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|