

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32290 of 2021**

Arising Out of PS. Case No.-715 Year-2019 Thana- SARAIYA District- Muzaffarpur

SAHABUDDIN SAH @ MD. SAHABUDDIN Son of Late Naeem Sah
Resident of Village - Jaintpur, P.S.- Saraiya, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Parasmani, Adv
For the Opposite Party/s : Mr.A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 08-06-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 341, 323, 324, 325, 307, 379, 504,506 and 34 of the Indian Penal Code.

The prosecution case, in short, is that on 24.08.2019 at 3.00 PM an altercation took place between the families of Sarfuddin Shah and Aaftaj. Rashish Sah, Mohamood Sah, Mohammadin Sah, Sahabuddin Sah alongwith 4-5 unknown persons have started abusing and assaulted by means of fists and slaps. In the meantime, Sarfuddin Sah gave a blow by means of



Chhura on the left side of his maternal brother Aaftaj and when Aaftaj fell down on the earth, Hafiz Shah gave a blow by means of a piece of brick on the head of the Aaftaj to which he sustained serious injury. When the co-villagers gathered there, the accused persons fled away from the place of occurrence. The victim is admitted in RBM Hospital where is under the treatment.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that it appears from the FIR that no allegation of overt-act or assault against the petitioner and the allegation of assault is against co-accused, namely, Sarfuddin Sah @ Md. Sarfuddin and Sarfuddin Sah @ Md. Sarfuddin has been granted privilege of anticipatory bail by a Coordinate Bench of this Hon'ble Court vide order dated 24.05.2022 in Cr. Misc. No.23336 of 2021 and the case of the petitioner is better footing than of the co-accused, namely, Sarfuddin Sah @ Md. Sarfuddin.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case,



let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Saraiya (Jaintpur O.P.) P.S. Case No. 715 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

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

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the



acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Nitesh/-

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

