

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24529 of 2022

Arising Out of PS. Case No.-284 Year-2021 Thana- AKBARPUR District- Nawada

Md Chand, Son of Siraj @ Nizamuddin, Resident of Village- Afzal Nagar
Takiapar, P.S- Bundelkhand, Dist- Nawada, Permanent R/O Village- Baksoti,
P.S- Govindpur, Dist- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Rina Sinha, Advocate

For the Opposite Party/s : Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 08-08-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mrs. Rina Sinha, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Akbarpur P.S. Case No. 284 of 2021 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 379 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution case, it is alleged that while the construction work of the house of the informant was going on, in the meantime, all the F.I.R. named accused persons came



there and started assaulting him with iron rod and pistol, due to which he sustained head injury. It is also alleged that accused persons also demanded Rs.5,00,000/- as Rangdari and the petitioner along with others also made firing.

Learned counsel for the petitioner submits that there is general and omnibus nature of allegation against all the F.I.R. named accused persons and so far the allegation of firing is concerned, the same has not hit to any person. It is next submitted that the injured person was examined by the doctor and out of three injuries, two injuries have been found to be simple in nature and the grievous injury sustained on the body of the informant is not on the vital part and not attributed to the petitioner. It is further submitted that co-accused Md. Sharfuddin and others, who were also named in the F.I.R. along with the other accused persons, have already been granted anticipatory bail by the learned coordinate Bench of this Court in Cr. Misc. No. 50334 of 2021 vide order dated 20.06.2022. It is lastly submitted that this petitioner is in custody since 31.07.2021.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that there is specific allegation against this petitioner that he demanded



extortion as well as also assaulted the informant. Learned counsel for the State also submits that the petitioner has multiple criminal antecedent. In response to the aforesaid submissions, learned counsel for the petitioner submits that the petitioner is on bail in all the case.

Having regard to the submissions made on behalf of the parties and considering the general and omnibus nature of allegation, apart from the fact that the F.I.R. named accused persons, Md. Sharfuddin and others, have already been granted anticipatory bail by learned coordinate Bench of this Court and this petitioner is in custody since 31.07.2021, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada in connection with Akbarpur P.S. Case No. 284 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.



(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

uday/-

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

