

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26554 of 2022

Arising Out of PS. Case No.-219 Year-2014 Thana- BAHERA District- Darbhanga

Md Sohrab Son Of Md. Abdul Bari @ Abdul Bari Sheikh Resident Of Village
- Badarbana, P.S.- Bahera, Distt.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha, Adv

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 23-08-2022 Let the defects, if any, be removed within four
weeks from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in
connection with Bahera P.S. Case No. 219 of 2014 for the
offences punishable under Section 307 and other minor
sections of the Indian Penal Code.

As per the prosecution case, it is alleged that while
the informant was going for his hair cut, in the meantime,
FIR named accused persons surrounded him and demanded
Rs, 5 lac as Rangdari, on protest the petitioner inflicted
Knife blow over the head of the informant and thereafter,



other accused persons assaulted him by fists slaps and lathi and snatched cash of Rs. 3500/- and valuables.

Learned counsel for the petitioner submits that with regard to an occurrence which took place on 6.5.2014. The fardbeyan of the informant was recorded on 07.05.2014, which was later on send to the concerned police station and the substantive FIR has been instituted on 01.06.2014. It is next submitted that prior to the institution of the present case, the petitioner had lodged Bahera P.S.Case No. 125 of 2014 and this case is nothing but instituted only with a view to pressurize the petitioner. It is next submitted that as the petitioner was not aware with regard to the institution of the present crime, he could not appear before the police or the learned court below and due to which delay has occurred. It is lastly submitted that this petitioner is in custody since 22.01.2022. Learned counsel for the petitioner submitted that so far as injury is concerned, the same has been found to be simple in nature and in support of his contention, he annexed injury report as Annexure-2 to the petition.

On the other hand, learned counsel for the State



opposed the bail application and submits that there is specific allegation that he has inflicted knife blow over his head and also demanded Rangdari and snatched other valuables.

Having heard the rival contentions of the parties and taking into consideration the nature of injury which is found to be simple in nature and petitioner is in custody since 22.01.2022, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Bahera, Darbhanga in connection with Bahera P.S.Case No. 219 of 2014 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 step for cancelling 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.

(Harish Kumar, J)

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