

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26638 of 2022**

Arising Out of PS. Case No.-130 Year-2020 Thana- KISHUNPUR District- Supaul

Md Matlub @ Matlub Alam @ Md Matlub Alam, Son of Md. Imtiyaj Alam
Resident of Village- Kadampura, P.S.- Kishanpur, Distt.- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Advocate

For the Opposite Party/s : Mrs. Dr. Indihar Kumari, APP

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

2 06-09-2022 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 Mr. Nafisuzzoha, learned counsel for the petitioner and Dr. Indihar Kumari learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Kishanpur P.S. Case No. 130 of 2020 registered for the offences punishable under Sections 147, 149, 341, 342, 323, 307, 324, 325, 379, 504 and 506 of the Indian Penal Code.

As per prosecution case, it is alleged that the petitioner and thirteen other co-accused persons along with five unknown persons variously armed with iron rod and pistol came to the house of the informant and pushed the motorcycle of the informant, due to which he fell down on the ground. It is further



alleged that on the dictate of co-accused Md. Mustaque all the co-accused persons assaulted him by means of iron rod.

Learned counsel for the petitioner submits that there is general and ominous allegation against all the F.I.R. named accused persons including the petitioner and neither any incriminating material has been recovered nor there is any allegation of specific overt act against him and at best the petitioner can be said to be a member of the mob. It is next submitted that other co-accused persons, namely Md. Intekhab Alam @ Md. Intekhar Aalam @ Bittu and Md. Mahbub Alam @ Mahbub Alam, have already been granted bail by the learned co-ordinate Bench of this Court. So far the petitioner is concerned, he is in custody since 01.02.2022 and, moreover, there is a counter version of the present case, bearing Kishanpur P.S. Case No. 131 of 2020, lodged by uncle of the petitioner, namely Iftekhar Alam.

On the other hand, learned APP for the State opposes the bail application and submits that all the accused persons in furtherance of common intention, brutally assaulted the informant, who sustained grievous injuries.

Regard being had to the general and ominous nature of allegation, as also the fact that the other co-accused persons



have already been granted bail by the learned co-ordinate Bench of this Court and so far the petitioner is concerned, who is in custody since 01.02.2022, 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, Supaul in connection with Kishanpur P.S. Case No. 130 of 2020 subject to the condition that one of the bailors will be the close relative 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)

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