

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38690 of 2021

Arising Out of PS. Case No.-110 Year-2021 Thana- DUMRAO District- Buxar

OTIYAR KHAN @ MD FIROZ KHAN SHAMSHAD @ ANDA KHAN @
ANDA Resident of Village- Naya Bhojpur, P.S.- Buraon (N.B.), District-
Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar Gupta, Advocate
For the Opposite Party/s : Ms. Dr. Indihar Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

6 25-02-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner, who is in custody since 10.03.2021, seeks
regular bail in connection with Dumraon P.S. Case No. 110 of
2021 registered for offences punishable under Sections 341,
323, 307, 326, 385 and 506/34 of the Indian Penal Code.

Prosecution case, in brief, is that on 08.03.2021 at
about 2:00 pm, petitioner along with two other unknown
persons were planning to kidnap the nephew of the informant.
However, the informant intercepted the petitioner and the



present petitioner assaulted him with knife and on timely intervention of the villagers, the life of the informant and his nephew was saved.

Learned counsel appearing on behalf of the petitioner submits that due to village politics he has been implicated in the present case and there is no recovery of any incriminating object or any arms from the possession of the petitioner and the informant has also compromised and does not want to pursue with the present case. Petitioner is in custody since 10.03.2021.

Learned A.P.P. has opposed the prayer for grant of bail to the petitioner. He submits that injury report was called for from the Court below and the doctor has opined that injury is simple in nature caused by hard and sharp edge object which confirms the fact that the petitioner had assaulted the informant with knife and he had stabbed once.

Considering the above mentioned facts and circumstances of the case, having perused the F.I.R. and the injury report in which the doctor has opined the injury to be simple in nature, the petitioner above named is directed to be released on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial



Magistrate, Buxar in connection with Dumraon P.S. Case No. 110 of 2021 subject to the following conditions:

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

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) 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.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

(Purnendu Singh, J)

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