

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38930 of 2021

Arising Out of PS. Case No.-300 Year-2020 Thana- TURKAULIYA District- East
Champaran

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JOKAT @ AZAHAR Son of Sheikh Anwar Resident of Village - Madhopur
Kathariya, (Wrongly mentioned in the FIR as resident of Murgiya Tola
Chargaha), P.S.- Turkauliya, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Krishna Kant Singh, Advocate
For the Opposite Party/s	:	Mr.A.P.P.
For the Informant	:	Ms. Purna Rishi, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 12-04-2022 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, learned
counsel for the informant and learned APP for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 147, 148, 149, 341, 323,
324, 307, 302, 120B, 504 of IPC.

The prosecution allegation, in short, is that the
accused persons assaulted the informant in his field and when
family members came in rescue, they were also assaulted by the
accused persons due to which they sustained injuries. Later, the



father of the informant died in course of treatment.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. He further submits that it appears from the FIR that there is general and omnibus allegation against all the accused persons. There is specific allegation against the petitioner and co-accused, namely, Ash Mohammad. He further submits that the postmortem report of the deceased does not corroborate the allegation as alleged in the FIR. He further submits that the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 13.03.2021.

Learned counsel for the informant and learned A.P.P. for the State have vehemently opposed the prayer for bail of the petitioner and submits that there is direct allegation of assault against the petitioner.

Considering the aforesaid facts, let the petitioner, above named, 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 Turkauliya Police Station Case No.300 of 2020, with the 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)

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