

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29835 of 2022**

Arising Out of PS. Case No.-312 Year-2018 Thana- BARARI District- Katihar

ABUL KALAM @ KALU Son of Late Abdul Rashid, Resident of Village -
Dumaria, P.S.- Barari, Distt.- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate
Ms. Vaishnavi Singh, Advocate
Mr. Ritwik Thakur, Advocate

For the Informant : Mr. Bhola Prasad, Advocate
Mr. Satya Prakash, Advocate

For the Opposite Party/s : Mr. Ajay Kumar No.2, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

5 19-09-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Barari (Semapur) P.S. Case No. 312 of 2018 lodged under
Sections 147, 148, 149, 302 and 307 of Indian Penal Code.

As per the prosecution, the informant make an
allegation against 6 named accused persons that they all entered
into her courtyard and started abusing her husband. As soon as
her husband reached then the accused persons with intent to kill,

attacked on him. The specific allegation, as per the F.I.R., is against Md. Alam and Alfaz to cut the neck of the husband of the informant. The allegation against the present petitioner is to attack by iron rod and *Gadansa* upon the husband of the informant.

Learned counsel for the petitioner submits that in the order sheet the specific allegation of attacking on the informant by *Gadansa* and iron rod has been acknowledged being the member of the family. Learned counsel further submits that petitioner is in custody since 18.02.2021 and charge sheet has already been filed in this case. Upon his criminal antecedent, learned counsel for the petitioner submits that there is one criminal case pending against the petitioner, in which he is on bail. Learned counsel for the petitioner further submits that he is ready to fulfill all the conditions whatsoever shall be imposed upon him by the Court.

Learned counsel for the informant appeared in this case and vehemently opposes the prayer for bail and submits that the trial is going to be concluded and therefore, he is requested not to grant him bail.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of the case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. District and Sessions Judge-VIII, Katihar in connection with Sessions Trial No. 175 of 2021, arising out of Barari (Semapur) P.S. Case No. 312 of 2018, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file an affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands
allowed.

(Dr. Anshuman, J.)

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