

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32011 of 2022

Arising Out of PS. Case No.-1 Year-2022 Thana- UCHKAGAON District- Gopalganj

Kaleem @ Kaleem Khan, S/o Late Fizul Khan Resident of Village- Bhuala,
P.S.- Uchkagaon, Dist- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Kumari Anupam, Advocate

For the Opposite Party/s : Mr. Rajendra Prasad Nat, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 01-09-2022 Heard Ms. Kumari Anupam, learned counsel
appearing on behalf of the petitioner and Mr. Rajendra Prasad
Nat, learned A.P.P. for the State.

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

The petitioner seeks regular bail in connection with
Uchkagaon P.S. Case No. 01 of 2022, for the offence punishable
under Section 302/34 of the Indian Penal Code.

The prosecution case, in brief, is that due to enmity
the accused persons named in the F.I.R., including the petitioner,
dragged the son of the informant and all of them started
assaulting him by means of Lathi-Danda. Thereafter, son of the
informant was taken to the Sub-Divisional Hospital, Hathua,
where in course of treatment he succumbed to the injuries.

Learned counsel appearing on behalf of the petitioner



submitted that from perusal of the F.I.R. itself it would appear that general and omnibus allegation has been made against all the accused persons named in the F.I.R. There is no specific allegation that it is petitioner, who has assaulted the deceased leading to his death after treatment. The direct allegation of assault is against co-accused Reyaj @ Kallu, who according to the F.I.R., has assaulted the deceased by means of Lathi on his head and in want of specific allegation against the petitioner, the same cannot be attributed against the present petitioner. The petitioner has clean antecedent and he is in custody since 04.01.2022.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Considering the aforementioned facts and circumstances of the case, nature of allegation and period of custody undergone by the petitioner, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 25000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M-IX, Gopalganj in connection with Uchkagaon P.S. Case No. 01 of 2022, subject to the following conditions:-

(1) Bailors should be local having sufficient



immovable property within the jurisdiction of the Court concerned.

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

(3) 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.

(4) 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 bonds.

(Purnendu Singh, J)

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