

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35798 of 2022

Arising Out of PS. Case No.-143 Year-2020 Thana- HATHAURI District- Muzaffarpur

Abdul Wafa @ Md. Wafa @ Dr. Abul Wafa, Son of Md. Lal Babu, Resident
of Village- Khanpur, P.S.- Hathauri, Distt.- Muzaffarpur.

... Petitioner/s

Versus

The State of Bihar

... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binoy Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-08-2022 Today this case has been listed on priority basis, on the motion slip filed by the learned counsel for the petitioner assigning the reason for urgent posting that the father of the petitioner is suffering from mouth cancer and the treatment is going on in IGIMS Patna and the doctor advised for operation at Delhi, as his throat/voice is totally blocked.

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. Binoy Kumar Sinha, learned counsel appearing on behalf of the petitioner and the learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Hathauri P.S. Case No. 143 of 2020 registered for the offences punishable under Sections 341, 447, 323, 324,



307, 379, 427, 504/34 of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, it is alleged that on 23.06.2020, all the accused persons variously armed came to the house of the petitioner on account of previous dispute and damaged his car. On protest being made, co-accused Lal Babu gave Farsa blow on the head of the informant, due to which he sustained serious injuries. It is further alleged that this petitioner and other co-accused persons assaulted him with Lathi, Danda and Iron rod.

It is submitted by the learned counsel appearing on behalf of the petitioner that there is general and omnibus allegation against all the accused persons including the petitioner, except Lal Babu, who assaulted the informant over his head by Farsa. It is next submitted that the injury sustained to the informant is found to be simple in nature and in support of his contention, the injury report has been annexed to this petition. It is further submitted that co-accused persons including Md. Lal Babu, having identical allegation, have already been granted anticipatory bail by the learned coordinate Benches of this Court in Cr. Misc. No. 54452 of 2021 vide order dated 05.07.2022 and in Cr. Misc. No. 56402 of 2021 vide order



dated 04.07.2022. It is lastly submitted that the petitioner is in custody since 24.03.2022 and only because of his past criminal antecedent, he has been implicated in this case.

On the other hand, learned APP for the State opposes the bail application.

Having regard to the submissions made on behalf of the parties and considering the general and omnibus nature of allegation, as also the fact that other co-accused persons have already been granted anticipatory bail by the learned coordinate Benches of this Court, 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 Judicial Magistrate, 1st Class, Muzaffarpur (East) in connection with Hathauri P.S. Case No. 143 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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