

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34754 of 2022

Arising Out of PS. Case No.-22 Year-2022 Thana- KHUTAUNA District- Madhubani

MD. RIYAJ Son of Late Md. Kasim Resident of village - Ekdara, P.S.-
Khutauna, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Prakash

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 18-07-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

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

The petitioner seeks bail in connection with
Khutauna P.S. Case No. 22 of 2022 registered for the offences
punishable under Sections 341, 323, 448, 325, 379, 504, 506, 34
of the Indian Penal Code.

As per prosecution case, there is accusation against
the petitioner that he assaulted informant on head by means of
Farsa.

Learned counsel for the petitioner submits that
petitioner is in custody since 01.04.2022 petitioner bears no
criminal antecedent. There is case and counter case on same



date of occurrence. Learned counsel for the petitioners further submits that alleged occurrence took place on 16.01.2022 and Fardbeyan has been given to Police Station on 29.01.2022 whereas FIR has been lodged on 09.02.2022. There is no explanation regarding delay for lodging FIR. In the cases of accusation and counter accusation the facts are overtly exaggerated, as submitted. Charge sheet has been submitted in the case and there is no likelihood of tampering with the evidence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, nature of allegation, period of custody and keeping in view clean antecedent of petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-II, Jhanjharpur, Madhubani in connection with Khutauna P.S. Case No. 22 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn



the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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