

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39885 of 2022**

Arising Out of PS. Case No.-320 Year-2021 Thana- LAURIA District- West Champaran

AITULLAH KHAN @ ATIULLAH KHAN S/o Late Nabi Hussain R/o
village- Baswariya, Mastan Tola, P.S.- Lauriya, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Ajit Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 12-12-2022 Learned counsel for the petitioner is permitted to
remove the defect (s), as pointed out by the office, if any, within
a period of four weeks from today.

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case
registered for the offences punishable under Sections
341,323,379,354(B),427,504,506,34 of IPC.

The prosecution case, in short, is that the allegation
against the petitioner is that he assaulted to the informant by
means of iron rod causing injury on his head.

Learned counsel for the petitioner submits that
petitioner has clean antecedent. He has falsely been implicated
in the present case. Further submits that the date of occurrence



as alleged in the FIR is 12.12.2021 but the present FIR has been instituted on 19.12.2021 after delay of seven days without giving any explanation of delay. Further submits that as per FIR allegation against the petitioner is that he assaulted to the informant by means of iron rod but the injury report of the informant suggests that the injury is simple in nature and other injury sustained to the informant is not caused by the petitioner and it has come during investigation that there is case and counter case and for the same occurrence the petitioner and petitioner's side also sustained injury.

Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioner and submits that the informant sustained one grievous injury but fairly submits that the said injury is not on the vital part of the body.

Considering the aforesaid facts, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 Lauriya P.S. Case No. 320 of



2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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 their absence on two consecutive dates without sufficient reason, his bail bonds shall be cancelled by the Court below.

(2) If the petitioner tamper 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 antecedents, 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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