

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40843 of 2022

Arising Out of PS. Case No.-248 Year-2020 Thana- RAMGARHWA District- East
Champaran

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JAKIR HUSSAIN @ SHEKH JAKIR HUSSAIN S/o Late Farmullah R/o
village- Chadnwa, P.S.- Ramgadhwa, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kundan Rathore@ Kundan Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-10-2022 Heard learned counsel for the petitioner and learned
APP for the State in Virtual Court Proceeding.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The case is registered under sections 147, 148, 341,
323, 324, 307, 354(B), 380/504 of the Indian Penal Code, in
connection with Ramgadhwa P.S. Case No. 248 of 2020.

As per the prosecution story, it is alleged that the
petitioner and other co-accused came to their house and after
abusing started assaulting. Further allegation is that when the
informant's daughter Khushbu Nesha and her son Shekh
Abdullah came to save, Shekh Zubair and Ujair assaulted her
daughter causing severe injury to her. Further allegation is of



stealing valuable articles.

Learned counsel for the petitioner submits that there is omnibus allegation against this petitioner and the specific allegation is against his sons namely Shekh Zubair and Ujair, he is an old person, is in custody since 4.5.2022 having no criminal antecedent.

The learned APP has gone through the bail application and has concurred that the specific allegation is against his two sons named above.

Taking into account the aforesaid facts that omnibus allegation is against this petitioner, he is an old person of 60 years, charge-sheet stands submitted, is in custody since 4.5.2022 and there is specific allegation against the two sons named above, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of S.D.J.M., Raxaul at Motihari, East Champaran, in connection with Ramgadhwa P.S. Case No. 248 of 2020 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his



bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself.

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Ravi/Ajay Singh

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