

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42949 of 2022

Arising Out of PS. Case No.-113 Year-2021 Thana- MUNGER MUFFASIL District- Munger

Md. Asrar Malik @ Bholu Malik @ Bholu @ Arsad Malik @ Asgar Malik
Son of Late Sahabuddin Resident of Village - Mirjapur Bardah, P.S.- Muffasil,
District - Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pankaj Kumar Sinha, Advocate Mr. Rajiv Kumar Singh
For the Opposite Party/s	:	Mr. Binod Kumar No. 3

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 19-12-2022 This case is listed for out of turn hearing under the heading "To be Mentioned" on account of the fact that the petitioner has to appear in the examination of Bihar Staff Selection Commission, scheduled to be held on 23.12.2022.

Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with Muffasil P. S. Case No. 113 of 2021, registered for the offences punishable under Sections 279, 304, 427 and 34 of the Indian Penal Code.

The prosecution story as emerges from the FIR is that two boats joined with each other were carrying 35



passengers, some animals and luggage. It is further alleged that the boats drowned in the river Ganga near Tarapur Diyara Ghat due to over load and two boys, namely, Adit Kumar and Abu Nasar died in the accident.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that allegedly the petitioner is the owner of the boat and he was not aware how boatman had loaded the passengers or other items and he had no role at all in the alleged occurrence. Investigation in this case is complete and charge-sheet has already been submitted.

The petitioner has been languishing in jail since 05.06.2022.

It is also stated in paragraph no. 2 of the petition that the petitioner has earlier moved before this Court for grant of anticipatory bail *vide* Cr. Misc. No. 26284 of 2022.

It has further been stated in paragraph no. 3 that the petitioner has no criminal antecedents.

However, the learned APP for the State vehemently opposes the prayer of the petitioner for bail.



Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Chief Judicial Magistrate, Munger in connection with Muffasil P. S. Case No. 113 of 2021 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the



learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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