

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55928 of 2021**

Arising Out of PS. Case No.-165 Year-2020 Thana- KADWA District-
Katihar

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MD. AZAM Son of Fazlur Rahman Resident of Village - Kabaiya, P.S. -
Kadwa, District - Katihar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner	:	Mr. Md. Musowir, Advocate
For the Informant	:	Mr. Najeeb Ahmad
		Mr. Thakur Brajesh Singh, Advocates
For the State	:	Mr. Mohammad Sufyan, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 25-04-2022 Let the defects, as pointed out by the office, be

removed within four weeks of starting of Court proceeding in

physical mode in normal course.

Heard learned counsel for the petitioner, learned
counsel for the Informant and learned APP for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 341, 323, 324, 307, 379, 504
and 506/34 of the Indian Penal Code.

As per prosecution case, in brief, is that on 08.08.2020
at about 8:00 A.M. accused of Kadwa P.S. Case No. 137 of 2020
namely Meraz Alam arrested. The informant's brother namely
Md. Jaiful was going to pay Rs. 2,00,000/- to Mujahir Alam and
when informant's brother reached near Kabaiya Mosque all the



accused persons surrounded him with spade, lathi, knife, sword etc. Imtiyaz assaulted Jaiful on his head with a spade and severely injured him. It is alleged that the accused petitioners snatched his cash of Rs. 2,00,000/-. Azam hit Jaiful's jaw with knife. Jahid hit and broke Jaiful tooth and both his hands. When the informant went there, he was also assaulted.

Learned counsel for the petitioner submits that the petitioner has clean antecedents and he has been falsely implicated in the present case. He further submits that it appears from the F.I.R. that the alleged date of occurrence is 08.08.2020 and the present F.I.R. has been instituted on 12.08.2020 after delay of four days without any explanation of delay. He further submits that the specific allegation is against co-accused Imtiyaz Alam who assaulted the informant's brother on head with spade and sustained injured. He further submits that the allegation against the petitioner to give knife blow on the jaw of the brother of the informant. He further submits that it appears from the injury report that there is no injury of knife blow on the jaw of the brother of the informant and the petitioner is in custody since 04.08.2021.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing



bail bond of Rs. 10,000/- (Rupees 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 Kadwa P.S. Case No. 165 of 2020, with the 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedent, 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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