

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.47555 of 2022**

Arising Out of PS. Case No.-164 Year-2020 Thana- KUNDWACHAINPUR District- East
Champaran

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Asif Javed @ Ashif Jawed S/o Kalim Javed @ Salim Javed Resident of
Village- Guabari, P.S.- Kundwa Chainpur, District- East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Madhurendra Kumar, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 09-12-2022 Learned counsel for the petitioner will remove all the
defects as pointed out by office within two weeks from today.

Heard learned counsel for the petitioner and Mr. Uma
Shankar Prasad Singh, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Kundwa Chainpur P.S. Case No. 164 of 2020
registered for the offences punishable under Sections 147, 149,
323, 279, 379, 354, 307, 504, 506, 337, 338 of the Indian Penal
Code. He is in custody since 23.05.2022. The petitioner has got
two criminal antecedents and in both the cases he is on bail as
per the statement made in paragraph '3' of the application.

Learned counsel for the petitioner submits that as per
the prosecution story, on 14.10.2020 accused Rahmat Alam
came driving with tractor and dashed cousin brother of the



informant and when the informant opposed, Rahmat Alam started abusing him. In the meantime, other accused persons reached there and started abusing him. Thereafter, when co-accused Nasim Akhtar ordered to kill the informant, Salim dashed the informant and this petitioner and co-accused Adil Azam wrapped rope around his neck and dragged him with an intention to kill him. It is alleged that all the accused persons assaulted the informant with lathi, danda and rod as a result of which the informant sustained injuries and became unconscious. It is alleged that the said altercation took place over a dispute regarding compromise of Kundwa P.S. Case No. 105 of 2020 which was instituted with regard to the murder of the informant's uncle.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner is in custody in connection with this case since 23.05.2022.

Learned counsel submits that the co-accused similarly situated namely Salim @ Md. Salim has already been granted bail by a learned Co-ordinate Bench of this Court in Cr. Misc. No. 45655 of 2022.

Mr. Uma Shankar Prasad Singh, learned APP for the



State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case and the submission that after an accident in a minor scuffle the parties had got involved in making allegations against each other, the co-accused Salim @ Md.Salim who is similarly situated with the petitioner has been granted bail in Cr. Misc. 45655 of 2022, this petitioner is in custody since 23.05.2022, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned 5th Additional Chief Judicial Magistrate, Sikrahana at Dhaka, East Champaran, Motihari in connection with Kundwa Chainpur P.S. Case No. 164 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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 steps 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.

This application is allowed.

Certified copy of this order shall be made available
only after removal of the defects.

(Rajeev Ranjan Prasad, J)

vats/-

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