

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57847 of 2021**

Arising Out of PS. Case No.-285 Year-2020 Thana- JOKIHAT District- Araria

=====

Lalu @ David @ Gulab Moazzam @DEVIT Gulab S/o Md. Moazzam @
Moazzam Resident of Village- Chirah, Ward No.-3, P.S.- Jokihat, District-
Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh, Advocate.

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

=====

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-04-2022 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

The present application has been filed on behalf of the petitioner, above named, for grant of regular bail to the petitioner who has been made accused and put behind the bars in connection with Jokihat P. S. Case No. 285 of 2020 registered for the offences punishable under Sections 363, 365, 120(B)/34 of the Indian Penal Code.

As per the prosecution case, it is alleged that on 09.08.2020, when the son of the informant went to Jokihat market, she came to know that eight named accused persons kept the son of the informant in injured condition after tying by string and assaulting brutally. It is alleged that as the co-accused Moazzam @ Moazzam Alam @ Md. Moazzam has suspicion that the son of the informant was instrumental in arrest of his son with arms.

Learned counsel for the petitioner submitted that



earlier the son of the co-accused Moazzam @ Moazzam Alam @ Md. Moazzam was apprehended in a case of Arms Act and since he disclosed the name of the son of the informant, which created annoyance and resulting into institution of the present case. It is next submitted that there is no injury report on the record, nor the injured was sent to the hospital. It is further submitted that though the statement of the victim was recorded under Section 164 Cr.P.C. but no allegation of any overt act has been alleged against this petitioner. Learned counsel for the petitioner lastly submits that the co-accused Moazzam @ Moazzam Alam @ Md. Moazzam against whom there is specific allegation, has already been granted bail by co-ordinate bench of this court in Cr. Misc. No. 51744 of 2021 vide order dated 28.09.2021.

On the other hand, learned APP for the State opposes the bail application of this petitioner.

Having considered the submissions made on behalf of the parties and taking into consideration this fact that there is no specific allegation against this petitioner, apart from the fact that the reason of occurrence as disclosed in the F.I.R. raised suspicion about the implication of the petitioner and others, inasmuch as, the petitioner is in custody since 19.07.2021, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like



amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Jokihat P. S. Case No. 285 of 2020, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

Shakir/-

U		T	
---	--	---	--

