

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48637 of 2022

Arising Out of PS. Case No.-103 Year-2021 Thana- RAUTARA District- Katihar

Md. Hakim @ Hakim Son Of Late Anisur Rahman R/O Village- Sadalpur,
Kalan, P.S.- Rautara, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Musowir, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-12-2022 Learned counsel for the petitioner is permitted to remove the defects, as pointed out by the office, if any, within a period of four weeks from today.

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

The petitioner is apprehending his arrest in a case registered for the offences punishable under Section 147, 148, 149, 341, 323, 324, 307, 427, 504, 506 and 354 of the Indian Penal Code

As per prosecution case, the allegation against the accused persons including this petitioner is that he assaulted the informant on his head by *farsha*.

Learned counsel for the petitioner submits that the petitioner has clean antecedents and he has been falsely



implicated in the present case only on the basis of suspicion. He further submits that in fact the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation and there is case and counter case between the parties. He further submits that it appears from the F.I.R. that there is specific allegation of assault is against co-accused Abdul Malik and co-accused Abdul Malik has been granted anticipatory bail by a Coordinate Bench of this Court vide order dated 21.07.2022 passed in Cr. Misc. No. 305 of 2022 and the case of the petitioner stands on similar footing.

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, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 Rautara P.S. Case No. 103 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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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