

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51518 of 2022

Arising Out of PS. Case No.-175 Year-2019 Thana- SINGHIYA District- Samastipur

MD. RAHULLA @ RAHUL Son of Late Nurul Hak R/V- Singhiya, P.S-
Singhiya, Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha, Advocate.

For the Opposite Party/s : Mr. A.P.P.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 09-12-2022 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Chandra Shekhar Anand, learned counsel
for the petitioner and learned Additional Public Prosecutor for
the State through video conferencing.

The petitioner seeks regular bail, who is in custody in
connection with Singhiya P.S. Case No. 175 of 2019 giving rise
to Sessions Trial No. 148 of 2021 + 272 of 2021, registered for
the offences punishable under Sections 341, 323, 324, 325 and
307/34 of the Indian Penal Code.

The prosecution case is based on a written report of
the informant alleging therein that on 03.11.2019 at about 09:50
pm, co-accused Md. Afroj called his son on his mobile phone



and when his son reached near the house of Md. Afroj all the co-accused persons including the petitioner armed with sword, assaulted the son of the informant due to which he sustained injuries over his head.

Learned counsel appearing on behalf of the petitioner submits that from the FIR it is evident that the informant is not an eyewitness to the alleged occurrence. He further submits that the alleged occurrence is said to have taken place on 03.11.2019, but the FIR has been instituted on 19.11.2019 after a delay of 16 days, which clearly indicates the false implication of the petitioner and others. He further drawn the attention of this court towards the injury report, which has been brought on record by way of Annexure 2 and from the injury report, it appears that with regard to the injury no.2 the opinion is said to have reserved and so far the other injuries are concerned, that have been found to be simple in nature. He next submits that the petitioner is in custody since 28.08.2021 and now the investigation of the crime is already complete and the charge-sheet has been submitted.

On the other hand learned APP for the State vehemently opposes the bail application.

Regard being had to the submissions made on behalf



of the learned counsel for the petitioner specially the factum of delay in lodging of the FIR and the injury report, apart from the fact that the informant is not an eyewitness to the alleged occurrence, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge- I, Rosera, District Samastipur, in connection with Singhiya P.S. Case No. 175 of 2019 giving rise to Sessions Trial No. 148 of 2021 + 272 of 2021, subject to the condition that one of the bailors will be the close relatives 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.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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