

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63961 of 2021

Arising Out of PS. Case No.-206 Year-2019 Thana- GUTHANI District- Siwan

TAR MOHAMMAD S/o - Late Hasim Miyan Resident of Village - Guthni,
P.O. and P.S. - Guthni, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhakar Singh

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-04-2022 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 and learned APP for the State in virtual Court proceeding.

The petitioner is languishing in custody for the offence punishable under Sections 302 and 354/34 of the Indian Penal Code.

The occurrence of assault took place as the son of co-accused-Noor Mohammad @ Nurmahamad had teased to a female member of the family of the informant. Specific allegation against co-accused-Noor Mohammad @ Nurmahamad is that he assaulted with a bat causing injury to the father of the informant, as a result whereof, father of the



informant died during course of treatment. Allegation against the petitioner is that he abused and threatened to the father of the informant.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. He further submits that it appears from the FIR that there is no specific allegation against the petitioner. The specific allegation of assault is against co-accused, namely, Noor Mohammad @ Nurmahamad. He further submits that there is a counter case against the informant and the family members under Section 307 IPC and co-accused, namely, Noor Mohammad @ Nurmahamad has been granted bail vide order dated 21.05.2021 in Cr. Misc. No.2018 of 2021 by a Coordinate Bench of this Hon'ble Court and the petitioner is in custody since 11.08.2021.

Learned counsel for the informant and learned A.P.P. for the State have vehemently 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/- (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 Guthani P.S.
CaseNo. 206 of 2019, 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

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

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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