

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59722 of 2022

Arising Out of PS. Case No.-92 Year-2021 Thana- KALYANPUR District- East Champaran

Mehrab Alam, Son of Late SK Nayeem, R/V- Brindavan, Tola- Alakhbani,
P.S- Kalyanpur, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Gopal Govind Mishra, Advocate
For the State	:	Mr.Akhileshwar Dayal, APP
For the Informant	:	Mr.Nafisuzzoha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 23-12-2022 Heard learned counsel for the petitioner and learned
counsel for the informant as well as learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Kalyanpur P.S. Case No.92 of 2021 registered for the offences punishable under Sections 341, 323, 324, 379, 354, 307, 504 and 506/34 of the Indian Penal Code. He is in custody since 30.07.2022. The petitioner has got three criminal antecedents.

Learned counsel for the petitioner submits that as per the prosecution story, on 13.04.2021 at about 8.30 pm when the informant had gone to mosque to offer Namaj with family members in the meantime nine named accused persons came there armed with dagger. It is alleged that an altercation took



place between the parties in which one Sohrab Alam assaulted the informant by dagger due to which the informant received injury in his neck and mouth. It is further alleged that one Ahsan Alam took out Rs.3000/- from his pocket.

Learned counsel for the petitioner submits that there is a case and counter case between the parties and both the parties have suffered injuries. Learned counsel submits that this petitioner has also suffered injury and the allegation of stabbing is against co-accused Sohrab Alam who is said to have been exonerated by the police in course of investigation.

Learned APP for the State as well as learned counsel for the informant have opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it appears that there is a case and counter case between the parties and both the parties have suffered injuries, this petitioner has also suffered injury, the allegation of stabbing is against co-accused Sohrab Alam who is said to have been exonerated by the police in course of investigation, so far as this petitioner is concerned, he has remained in custody since 30.07.2022 and in all the cases stated in paragraph '3' he is on bail, investigation against him is complete and his presence may



be secured in course of trial, this Court directs release of the petitioner above named 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 Chief Judicial Magistrate, East Champaran, Motihari in connection with Kalyanpur P.S. Case No.92 of 2021, subject to the conditions 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 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.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

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