

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60327 of 2022

Arising Out of PS. Case No.-411 Year-2020 Thana- JOKIHAT District- Araria

Abu Sufyan @ Abu Sufiyan Son Of Late Tasduk @ Dukhai R/O Village-
Matiyari, P.S.- Jokihat, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-12-2022 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 Sections 341, 323, 324, 307, 504/34 of the Indian Penal Code.

Allegation against the petitioner is that he along with accused persons in furtherance of common intention to kill life of informant's son Ahtesham committed fatal assault by stabbing causing several injuries.

Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that it appears from the F.I.R. that the alleged date of occurrence in the F.I.R. is 19.11.2020 but the present F.I.R has been instituted on 24.11.2020 after delay of



five days without giving explanation of delay. He further submits that it appears from the F.I.R. that there is no allegation of any assault or overt act against the petitioner and there is allegation that he caught hold the hand of the son of the informant and there is specific allegation of assault and overt act is against co-accused Abu Hassan.

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 Jokihat P.S. Case No. 411 of 2020, G.R. No. 4093 of 2020, 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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