

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71793 of 2021

Arising Out of PS. Case No.-423 Year-2021 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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Md Jainul Son Of Md Rahim @ Rahiman Miya Resident Of Village- Harpur
Rewari Tola Rampur Samthu, P.S- Angarghat, Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Hemant Kumar Karan, Advocate
For the Opposite Party/s	:	Mr. Binod Kumar No.3, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 11-03-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State in virtual court pro-
ceeding.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in connection with Samastipur
Muffasil P.S. Case No. 423 of 2021, P.T9N. 562/21 registered
for the offences punishable under Sections 188A, 147, 148, 149,
341, 323, 325, 332, 333, 307, 353, 427, 504 of the Indian Penal
Code and Section 37(C) of Bihar Prohibition and Excise
(Amendment) Act, 2018.

According to prosecution case, on 10.10.2021 the in-



formant was deputed at counting centre with other officials and on the same day on the order of senior officials counting was stopped for the next day. Thereafter, Indu Devi candidate of Mukhiya alongwith her relatives gathered over there and started shouting against the administration. On the next day her relatives alongwith 200 supporters entered the counting centre and started pelting bricks and stone on the police officials and during the course of such incidents three persons were seriously injured.

Learned counsel for the petitioner submits that petitioner has clean antecedents and has committed no offence and he has falsely been implicated in the present case. He further submits that during investigation Rajesh Ram has been made accused in the state of intoxication, but no examination was done to prove the same by the prosecution. He further submits that it appears from the F.I.R. that 200 persons have been made accused in the present case. He further submits that it appears from the injury reports that the injuries sustained by the officials are simple in nature. The petitioner is in custody since 13.10.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail.



Considering the aforesaid facts and circumstances, 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 the learned Additional District Judge-cum-Special Judge (Excise), Samastipur in connection with Samastipur Muffasil P.S. Case No. 423 of 2021, P.T9N. 562/21, subject to 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 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 witnesses, 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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