

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3453 of 2023

Arising Out of PS. Case No.-244 Year-2018 Thana- CHAUSA District- Madhepura

Md. Tanvir @ Tanvir @ Md. Sabir Alam S/O Md. Ajimuddin R/v- Paina, P.S.-
Chousa, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

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

Petitioner seeks bail who is in custody since
25.09.2022 in connection with Chausa P.S. Case No. 244 of
2018, F.I.R. dated 25.09.2018 for the offences punishable under
Sections 147, 148, 149, 341, 323, 324, 352, 447, 379, 307, 504
and 506 of the Indian Penal Code and Section 27 of the Arms
Act.

According to prosecution case, the petitioner started
constructing his house over the land of the informant. When the
informant forbade the construction work the petitioner and other



accused persons came there and committed the occurrence. They assaulted the informant and petitioner committed fire and one of the accused has assaulted the son of the informant by means of iron rod due to which he became unconscious.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. He further submits that it appears that the allegation against the petitioner is that he fired upon the informant but the bullet does not hit anyone. He further submits that the informant is the uncle of the petitioner and there is admitted land dispute between them. He further submits that due to the admitted land dispute, the present occurrence has taken place. He further submits that the injury report of the injured person suggests that the injuries are simple in nature caused by hard and blunt substance. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Md. Sadik and others have been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 17.11.2022 passed in Cr. Misc. No. 33560 of 2022. The petitioner is in custody since 25.09.2022.

The learned Additional Public Prosecutor has



vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one.

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 Sub Divisional Judicial Magistrate, Udaykishanganj in connection with Chausa P.S. Case No. 244 of 2018, 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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