

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.3533 of 2023**

Arising Out of PS. Case No.-11 Year-2022 Thana- ARIYARI District- Sheikhpura

Ekram @ Ekramul Haque Son of Khadir Khan Resident of Village- Ariyari,  
P.S.- Ariyari, District- Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr. Rajiv Nayan, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      25-04-2023                      Heard learned counsel for the petitioner, learned  
counsel appearing on behalf of the informant as well as 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  
05.12.2022 in connection with Ariyari P.S. Case No. 11 of 2022,  
F.I.R. dated 06.01.2022 for the offences punishable under  
Sections 147, 148, 149, 341, 323, 324, 325, 326, 307, 448 and  
354 of the Indian Penal Code and Section 27 of Arms Act.

According to prosecution case, all the accused persons  
including the petitioner armed with knife and sword assaulted  
the informant and his family members due to which they all are



brutally injured and also misbehaved with the lady members of the family. One of the accused, namely, Md. Shahid fired upon the informant causing injury near his chest.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against all the accused persons including the petitioner and there is no specific allegation of assault or over act attributed against the petitioner. He further submits that the present case is counter blast of Ariyari P.S. Case No. 09 of 2022 filed by petitioner side against the family members of the informant. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Kalimuddin has been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 15.12.2022 passed in Cr. Misc. No. 54752 of 2022. The petitioner is in custody since 05.12.2022.

The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries 3 criminal antecedents other



than the present one but fairly submits that in two cases, final form has been submitted and in one case the petitioner is on anticipatory 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 Chief Judicial Magistrate 1<sup>st</sup>, Sheikhpura in connection with Ariyari P.S. Case No. 11 of 2022, 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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