

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.3641 of 2023**

Arising Out of PS. Case No.-92 Year-2022 Thana- PURAINI District- Madhepura

Md Jibrayal S/O Md. Manir R/V- Naya Tola, P.S.- Puraini, District-  
Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Barun Kumar Singh, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

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

2      25-04-2023                      Heard learned counsel for the petitioner and learned  
APP for the State.

Let the defects, as pointed out by the office, be  
removed within a period of four weeks from today.

Petitioner seeks bail, who is in custody since  
15.05.2022, in connection with Puraini P.S. Case No. 92 of  
2022, F.I.R. dated 14.05.2022 registered for the offences  
punishable under Sections 147, 148, 149, 341, 323, 325, 307,  
302, 504, 506 of the Indian Penal Code.

As per prosecution case, in brief, is that on  
10.05.2022 informant and his father along with other relatives  
went to seek their ancestral land at village Divan Tola where  
they saw that some people of village named in the F.I.R. were  
standing on their land and constructing a house. It is further



stated that when his father asked them about constructing the house on his land, then Md. Rabul told Md. Chunna that how dare they stop us from constructing the house and ordered him to kill and bury them. Upon such order of Rabul, accused Md. Chunna gave a massive blow on the head of the informant's father with a *Davia* due to which his father was grievously injured and he fell down on the floor after which accused Md. Nasim and Pinki Khatoon also hit him by a *hasua* and chopped one of his fingers. Further accused Maqsood hit his uncle Md. Rajjak on his head by an axe. It is further alleged that the petitioner along with several other accused hit his uncle Md. Khaleel using sticks and injured him very badly. Informant's father was in critical condition and he was referred to Silliguri but he died on the way.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case due to admitted land dispute. He further submits that from bare perusal of the F.I.R. it is crystal clear that there is specific accusation of assault is against co-accused persona namely Md. Chunna, Md. Naseem and Pinki Khatoon and there is no specific allegation of any assault or overt act attributed against the petitioner rather the petitioner is



a member of unlawful assembly of mob. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 15.05.2022.

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

Considering the facts and circumstances of the case, let the petitioner, above named, 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 Judicial Magistrate 1<sup>st</sup> Class, Udakishunganj, District-Madhepura in connection with Puraini P.S. Case No. 92 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 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 antecedents, 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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