

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5227 of 2023

Arising Out of PS. Case No.-165 Year-2022 Thana- AMDABAD District- Katihar

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MUKHTAR @ MD. MUKHTAR @ MD. MUKTAR @ MD. MOKTAR S/o
Sk. Rahman @ Md. Rahman R/o village- Channi (Nirpur), P.S.- Amdabad,
Distt- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Viveka Nandsingh, Adv.

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 20-06-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.

Petitioner seeks bail, who is in custody since
03.08.2022 in connection with S. Tr. No.672/2022, arising out
of Amdabad P.S. Case No.165/2022, F.I.R. dated 01.03.2022,
for the offences punishable under Sections 341, 323, 324, 307,
379, 504, 506/34 of the IPC and later on Section 302 of the IPC
was added.

According to prosecution case, the petitioner along
with other co-accused persons have assaulted on the head of the
informant by means of sickle due to which his head was broken
and the blood was oozing form his head.



Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case due to admitted land dispute between the parties. He further submits that there is case and counter case between the parties. He further submits that as per F.I.R. the allegation against the petitioner is that he has assaulted the deceased with sickle but the postmortem report suggests that there is hard and blunt substance injury found on the person of deceased and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 03.08.2022.

Learned counsel for the informant and learned Additional Public Prosecutor for the State on the other hand vehemently opposed the prayer for bail of the petitioner and submits that there is direct allegation against the petitioner that he has assaulted to the deceased.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail, after framing of charge, 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 and Sessions Judge-V, Katihar in connection with S. Tr. No.672/2022, arising out of Amdabad



P.S. Case No.165/2022, 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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