

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6443 of 2023

Arising Out of PS. Case No.-265 Year-2022 Thana- BAISI District- Purnia

HASNAIN @ MD. HASNAIN Son of Arful Haque @ Areful Haque R/V-
Terabari, P.S- Baisi Dist- Purnia

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Y.V. Giri, Sr. Advocate Mr. Devashish Giri, Advocate
For the Opposite Party/s	:	Mr. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-06-2023 Heard Mr. Y.V. Giri, learned senior counsel for the petitioner assisted by Mr. Devashish Giri, Advocate and Mr. Ayush Kumar, learned counsel for the informant and Mr. Mohammad Sufyan, learned Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since 08.09.2022 in connection with Baisi P.S. Case No. 265 of 2022, F.I.R. dated 29.06.2022 for the offences punishable under Sections 302, 120(B), 379, 34 of the Indian Penal Code.

According to prosecution case, the case has been lodged against 17 named accused persons including the petitioner that they have created a plan and at the time of Panchayati, attacked by deadly weapons by which two persons



died.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. He further submits that in fact the informant is not the eye witness of the alleged occurrence and before filing of the present F.I.R. that the inquest report was prepared on 28.06.2022 at 10:00 P.M. and the postmortem was conducted on 12:25 A.M. on 29.06.2022 and thereafter the present F.I.R. was instituted on 29.06.2022 at 03:15 P.M.. He further submits that before filing of the present F.I.R. the informant has not disclosed the name of the petitioner and other co-accused persons. He further submits that bare perusal of the F.I.R. it transpired that the petitioner namely, Hasnain @ Md. Hasnain has assaulted on the head of the deceased.

Learned senior counsel for the petitioner further submits that there is no specific allegation against the petitioner rather there is general and omnibus allegation against the petitioner and the co-accused person namely, Muddasir that they have assaulted the husband of the informant. He further submits



that apart from the aforesaid, all other co-accused persons namely, Laltu @ Mojibur Rahman and Md. Aeja Anjum @ Ezaz Anjum have assaulted the husband of the informant on his head and they have been granted bail by a co-ordinate Bench of this Court vide order dated 17.05.2023 passed in Cr. Misc. No. 1169 of 2023 and Cr. Misc. No. 3809 of 2023 another co-accused persons namely, Muddasir @ Md. Muddasir, Saukat @ Gulam Sarwar @ Gholam Sarwar have been granted bail by a co-ordinate Bench of this Hon'ble Court vide order dated 17.05.2023 passed in Cr. Misc. No. 3192 of 2023 and Cr. Misc. No. 5112 of 2023 and another co-accused namely, Jahangir Ashram has been granted bail by a co-ordinate Bench of this Hon'ble Court vide order dated 19.05.2023 passed in Cr. Misc. No. 19476 of 2023. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 08.09.2022

The learned counsel for the informant and learned Additional Public Prosecutor for the State have vehemently opposed the prayer for bail of the petitioner on the basis of material available on the record and case diary submits that it has come during investigation that the petitioner was involved in the present occurrence and there is specific allegation against



the petitioner that he has assaulted upon the husband of the informant. He further submits that the bail application of co-accused namely, Md. Jafar @ Jafar and Jakki @ Md. Jaki Ahmad @ Jaki Ahmad have been rejected by a co-ordinate Bench of this Hon'ble Court vide order dated 25.02.2023 passed in Cr. Misc. No. 62425 of 2022 and 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 Chief Judicial Magistrate, Purnia in connection with Baisi P.S. Case No. 265 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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