

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.11649 of 2023**

Arising Out of PS. Case No.-106 Year-2022 Thana- PAHARKATTA District- Kishanganj

MANZOOR Son of Musharrasf R/o- Khajurbari, Khatia Pichhla, P.S.-  
Paharkatta, Dist- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Abdul Mannan Khan, Advocate

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**

ORAL ORDER

2      10-05-2023                      Heard learned counsel for the petitioner and the  
learned APP for the State.

The petitioner is in judicial custody in connection  
with Paharkatta P.S. Case No.106 of 2022 instituted under  
Sections 341, 323, 324, 307, 504/34 of I.P.C. lodged on  
14.10.2022 by the informant Md. Tayyab.

As per the FIR, on 11.10.2022 at around 2:00 p.m.,  
Anjuman's husband namely, Masraf was taking away the sand  
kept in the barn of the informant namely, Md. Tayyab without  
permission. Upon informant's protest, the petitioner's wife  
started abusing him. The informant's son namely, Khatab tried to  
normalize the situation. The petitioner's father namely, Haji



Enuddin, Musharraf and another F.I.R named accused surrounded the informant and informant's son Khatab and started giving them punches. The F.I.R named accused namely, Manjur with a sword in his hand hit the informant's son Khatab's head with the intention to kill him, which caused injury on the head of the informant's son's. The informant picked up his son and took him to Pothia Hospital for treatment, from where after first aid, he was referred to Sadar Hospital Kishanganj for better treatment. Accordingly, the FIR.

It has been contended by the learned counsel for the petitioner that there is case and counter case in the matter, both are agnates and further he do not have criminal antecedent and irrespective of the outcome of the present petition in view of the fact that the informant side has alleged injuries, the petitioner on its own would like to contribute towards the medical assistance of Rs. 15,000/- through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant after checking the credentials

Learned APP opposes the prayer.

Taking into account the fact that there is case and counter case, no criminal antecedent has remained in custody



since 15.10.2022 (as stated in para-1 of the petition), this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Paharkatta P.S. Case No.106 of 2022 to the satisfaction of learned Sri J.M.F.C., Kishanganj, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any



criminal offence again failing which the State shall be at liberty  
to take steps for cancellation of the bail bonds.

**(Rajiv Roy, J)**

Prakash Narayan/  
Sunil

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

