

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18005 of 2023

Arising Out of PS. Case No.-127 Year-2022 Thana- BASOPATTI District- Madhubani

MD. AJIJUL S/O MD. SOBRATI @ SOVARATI RAIN Resident of village-
Ghorbanki, P.S.- Basopatti, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Ms.Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-05-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since 20.12.2022 in connection with Basopatti P.S.Case No. 127 of 2022, F.I.R. dated 21.06.2022 registered for the offence punishable under Sections 323, 341, 379, 324, 225, 307, 427, 504, 506/34 of IPC.

Allegation against the petitioner is that he assaulted to Abdul Rajak by means of Dabiya indiscriminately, consequent of which, he sustained cut injury on his head.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. Further submits that it appears from the FIR that there is general and omnibus allegation



against all the accused persons. The specific allegation of assault is against other co-accused persons and the petitioner. Allegation against the petitioner is that he assaulted to Abdul Rajak. There is case and counter case between the parties and for the same occurrence, both sides had sustained injury and the injury report of injured Abdul Rajak reveals that the Doctor found one incised wound size -2 inch x ½ inch x ½ inch at frontal region caused by hard and sharp object and pain and swelling at right hand caused by hard and blunt object and the Doctor found that the hand was fractured and the said injury was grievous in nature. Further submits that the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 20.12.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the aforesaid fact, 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 learned Judicial Magistrate 1st Class, Madhubani in connection with Basopatti P.S.Case No. 127 of 2022, with 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/her absence on two consecutive dates without sufficient reason, his/her 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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