

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16439 of 2023

Arising Out of PS. Case No.-434 Year-2022 Thana- GOPALGANJ TOWN District-
Gopalganj

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Akhlaq @ Akhlak Ahmad S/O Azimul Haque R/O Village- Indarwa Abdullah,
P.S- Gopalganj, Distt- Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dhramveer, Advocate
For the Opposite Party/s : Mr.Raj Ballabh Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 11-05-2023 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

The petitioner seeks bail, who is in custody since
29.11.2022 in connection with Gopalganj (Town) P.S. Case
No. 434 of 2022, F.I.R. dated 31.05.2022 registered for the
offence punishable under Sections
147,148,149,302,34,120(B) of the Indian Penal Code.

The prosecution case, in short, is that on 31.05.2022
informant got up and saw that his villagers accused namely
Irfan, Rijwan and Imran and others were assaulting his son by
locking in a room and blamed on him of theft. When
informant requested them to leave his son, but they did not
stop and they dragged and brought him out of the room and



tied him with an electric pole and the petitioner as well as nearby villagers almost 20-25 other people came and started assaulting with lathi and Danda, from which deceased got brutally injured and died on spot.

Learned counsel 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 direct allegation of overt-act or assault against the co-accused persons, namely, Irfan, Rizwan and Imran who confined the son of the informant and assaulted the son of the informant. Further submits that there is no specific allegation of any assault or overt-act against the petitioner. There is general and omnibus allegation against the petitioner and the name of the petitioner has falsely been implicated in the present case. Further submits that the co-accused, namely, Amjad @ Amjad Ali and Dablu @ Aslam Ali have been granted privilege of anticipatory bail by this Court vide order dated 14.12.2022 passed in Cr. Misc. No.57704 of 2022 and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 29.11.2022.

Learned APP for the State has opposed the prayer



for bail of the petitioner.

Considering the aforesaid facts, 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 C.J.M., Gopalganj in connection with Gopalganj (Town) P.S. Case No. 434 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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