

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16452 of 2023

Arising Out of PS. Case No.-176 Year-2022 Thana- GWALPARA District- Madhepura

MD AZMAT @ AZMATULLAH Son of Md. Idarish Village- Jhanjhari
Laldih Ward No-12 Ps- Gwalpara Dist- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Singh, Advocate

For the Opposite Party/s : Mr.Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in connection with Gwalpara P.S. Case No. 176 of 2022 for the offence registered under Sections 147, 148, 149, 341, 323, 324, 325, 307, 504 and 506 of the Indian Penal Code and later on section 302 of the Indian Penal Code was added lodged on 16.08.2022 by the informant, Md. Niyamat Ali.

The prosecution story, in short, is that the informant alleged that a scuffle took place between his grandson and Md. Kismat on the occasion of flag hoisting in private Coaching Institute situated at Jhanjhari Chowk on 15.08.2022.

It is alleged that the matter was pacified at the instance of villagers, thereafter the informant's son Md. Wakil also arrived at the house of Md. Danish in Laldih Tola to get the



knowledge of the matter. In the meantime, the accused persons total 15 in numbers forming illegal assembly started assaulting by means of deadly illegal weapons. The co-accused Md. Azmat ordered to kill. Whereafter Md. Sattan and Md. Gaffar assaulted his son by means of 'sword', 'lathi', 'danda' *causing serious injury to him*. Thereafter he was taken to Gwalpara P.H.C. from where he was referred to Medical College, Madhepura and finally to Patna for treatment. Accordingly the FIR.

It has been contended by the learned counsel for the petitioner that he is the order giver whereafter it is alleged that Md. Sattan and Md. Gaffar assaulted which led to the death of the son of the informant. Further submission is that some of the co-accused persons, namely, Md. Jattu @ Majuruddin @ Majiruddin and Md. Ghasir @ Ghasir Mian have been extended the privilege of anticipatory bail vide order dated 14.03.2023 passed in Cr. Misc. No. 71526 of 2022.

Let the same be kept on record.

Learned APP for the State opposes the prayer for bail.

In view of the aforesaid facts that the main allegation is against Md. Sattan & Md. Gaffar, he do not have criminal antecedent and similarly situate co-accused persons have since been extended the privilege of anticipatory bail, this Court is



inclined to grant him privilege of bail.

Let the petitioner, in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Udakishunganj (Madhepura) in connection with Gwalpara P.S. Case No. 176 of 2022, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(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;

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

(vi) 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 his bail bonds;

(vii) 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)

Jagdish/Neha/-

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