

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22672 of 2023

Arising Out of PS. Case No.-48 Year-2021 Thana- MAHILA P.S District- Supaul

MD. IRSHAD S/O MD. YUNUS Resident of Village- Suryahi, Ward No.- 09,
P.S.- Phulparas, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar
2. BIBI NOORJAHAN D/O MD. MANNAN Resident of Village- Saurajan,
Machha, Ward No.- 7,. P.S.- Raghapur, District- Supaul.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Murari Narain Chaudhary, Adv.
For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 14-07-2023 1. Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
15.10.2022 in connection with Supaul Mahila P.S. Case
No.48/2021, dated 03.07.2021, for the offences punishable
under Sections 498(A), 341, 323, 504, 506 and 34 of the IPC &
Sections 3/4 of the D.P. Act.

3. According to prosecution case, the petitioner along
with other co-accused persons tortured the informant due to
non-fulfillment of the demand of Rs. 4 lacs and four wheeler.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has falsely been



implicated in the present case merely on the ground that the petitioner is husband of the informant. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and it appears from the F.I.R. that there is no accusation of any assault or overt act attributed against the petitioner rather there is general and omnibus allegation against all the accused persons including the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 15.10.2022.

5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

6. 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 C.J.M., Supaul in connection with Supaul Mahila P.S. Case No.48/2021, 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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