

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16847 of 2023

Arising Out of PS. Case No.-153 Year-2020 Thana- AAJAM NAGAR District- Katihar

MD. MAJHAR ALAM @ MD. MAJHAR Son of Samiul Haque @ Sambul
R/V- Tajkhand, P.S- Azamnagar, Dist- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 25-05-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner is apprehending his arrest in connection with Azamnagar PS Cae No. 153 of 2020, dated, 01.07.2020, registered for the offence punishable under Sections 341, 323, 324, 307, 379, 447, 325, 504 and 506/34 of the Indian Penal Code.

Over a dispute regarding carving out of the informant's share of land, it is alleged that co-accused Md. Majrul and eight other persons have assaulted the prosecution party.

The learned counsel for the petitioner submits that his implication is based on extraneous considerations. Against



the petitioner there is allegation of attempting to press the neck of informant. It is submitted by the learned counsel for the petitioner that for implicating all the family members, allegations have been levelled against all of them, whereas they have not all participated in the assault. This fact has been found by the police in the investigation, which is evident from the final form, wherein, after considering the evidence of independent witnesses, the Investigating Officer submitted an opinion that there was no material to support the allegation against the petitioner, one Majeda Khatoon, Sajeda Khatoon, Sahista Khatoon as well as Muslima Khatoon; whereas material was sufficient to support allegation against other persons. In spite there of, the petitioner is apprehending his arrest on account of cognizance being taken subsequently by the Court. The petitioner is also stated to be a man of clean antecedent.

The learned APP for the State has opposed the prayer for bail. It is submitted that the allegation of pressing the informant's neck stands corroborated by the injury report, which has been considered by the Court of Additional Sessions Judge-V, Katihar, while rejecting the petitioner's prayer for anticipatory bail.

Considering the rival submissions, the nature of



allegation, involving assault by several persons, the material examined by the Investigating Officer during course of investigation as also clean antecedent of the petitioner, this Court, for the limited purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed.

Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, 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 Judicial Magistrate 1st Class, Katihar in connection with Azamnagar PS Cae No. 153 of 2020, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be



well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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