

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16516 of 2023

Arising Out of PS. Case No.-525 Year-2022 Thana- JOKIHAT District- Araria

Tahjib @ Md. Tahjib @ Md. Tahzib Alam Son of Late Baharuddin R/V-
Bagmara Ward no. 2, P.S- Jokihat Dist- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Viveka Nandsingh, Advocate
For the Informant	:	Mr. Anil Prasad Singh, Advocate
For the Opposite Party/s	:	Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 27-06-2023 Heard learned counsel for the petitioner, learned
counsel appearing on behalf of the informant and learned APP
for the State.

Petitioner seeks bail, who is in custody since
25.11.2022, in connection with Jokihat P.S. Case No. 525 of
2022, F.I.R. dated 13.10.2022 registered for the offences
punishable under Sections 341, 323, 325, 307, 302/34 of the
Indian Penal Code.

Allegation against the petitioner is that he assaulted
on the neck of Md. Irshad Alam by means of iron rod.

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



implicated in the present case. He further submits that from a bare perusal of the F.I.R. it appears that there is general and omnibus allegation against all the accused persons including the petitioner and the present occurrence had taken place all of a sudden provocation and there was no intention to kill the father of the informant. He further submits that as per F.I.R. the allegation against the petitioner is that he had assaulted with iron rod on the neck of the deceased but the postmortem report does not support the allegation as alleged in the F.I.R. with respect to the petitioner is concerned and the post mortem of the deceased reveals that only two injuries on the part of the body of the deceased i.e. (I) Scalp Hamatoma on Vertex 3 cm x 2 cm (ii) bruise on right side of back 5 cm x 4 cm and the cause of death of the deceased is due to haemorrhage and shock as a result of above mentioned injuries. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 25.11.2022.

Learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor for the State vehemently opposed the prayer for bail of the petitioner and submits that there is specific allegation against the petitioner that the petitioner assaulted the father of the informant



(deceased) with iron rod and the injury was found on the person of the deceased.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Jokihat P.S. Case No. 525 of 2022, 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 witness, 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 antecedents, 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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