

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22130 of 2023**

Arising Out of PS. Case No.-472 Year-2021 Thana- BETTIAH CITY District- West
Champaran

Md Zahid Son Of Late Kamruzzama R/O Kalibagh, Near Liberty Cinema,
Ward No.13, P.S.- Bettiah Town, District- West Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Prashant Kumar, Advocate
For the Opposite Party/s :	Mr. Satyendra Narayan Singh, APP
For the Informant :	Mr. Shyam Sundar Kumar, Advocate

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

4 31-07-2023 Heard learned counsel for the petitioner, learned
counsel appearing on behalf of the informant as well as learned
Additional Public Prosecutor for the State.

2. Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

3. Petitioner seeks bail who is in custody since
28.11.2022 in connection with Bettiah Town P.S. Case No. 472
of 2021, F.I.R. dated 18.08.2021 for the offences punishable
under Sections 323, 341, 504, 506, 324, 307, 379/34 of the
Indian Penal Code.

4. According to prosecution case, all the accused
persons including the petitioner have assaulted the son of the



informant and this petitioner with intention to kill him stabbed a knife blow on him due to which he sustained several injuries.

5. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. He further submits that there is case and counter case between the parties and the petitioner has also sustained injuries in the present case. He further submits that the allegation against the petitioner is that he has stabbed a knife blow on the son of the informant. He further submits that the injury report of the son of the informant suggests that the he has sustained 7 injuries out of which injury no. 1 and 7 are grievous in nature and rest other are simple in nature. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused persons, namely, Md. Mojahid and Md. Wahid have been granted bail by the learned Court below itself vide order dated 12.01.2022 passed in B.P. No. 4396 of 2021 and another co-accused, namely, Md. Shahid has been granted bail by a co-ordinate Bench of this Court vide order dated 24.02.2023 passed



in Cr. Misc. No. 430 of 2023. The petitioner is in custody since 28.11.2022.

6. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner and submits that there is direct and specific allegation against the petitioner.

7. 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 Chief Judicial Magistrate, West Champaran, Bettiah in connection with Bettiah Town P.S. Case No. 472 of 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)

Vanisha/-

U		T	
---	--	---	--

