

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23191 of 2023

Arising Out of PS. Case No.-434 Year-2022 Thana- JAMUI District- Jamui

Md. Danish Son of Mr. Md. Yusuf Resident of village - Azad Nagar, P.S.-
Jamui, District - Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Vaishnavi Singh, Advocate
For the Opposite Party/s	:	Mr. Md. Shakir Ahmad, APP
For the Informant	:	Mr. Zayaul Hoda, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 16-08-2023 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
10.10.2022 in connection with Sessions Trial No. 56 of 2023
arising out of Jamui P.S. Case No. 434 of 2022, F.I.R. dated
22.08.2022 for the offences punishable under Sections 147, 148,
149, 341, 323, 302, 504 and 506 of the Indian Penal Code.

4. According to prosecution case, this petitioner along
with other accused persons have assaulted the son of the



informant with iron fighter and during the course of treatment he died.

5. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that from perusal of the F.I.R it appears that the F.I.R is in two parts, according to part one, there is specific allegation against the co-accused persons including the petitioner that all have assaulted the son of the informant and according to part two, there is allegation against the petitioner and other accused persons that they have assaulted the deceased with iron fighter but the postmortem report of the deceased reveals that cause of death is compression of neck (strangulation). She further submits that the police after investigation submitted the charge sheet against the petitioner. She further submits that similarly situated, co-accused, namely, Md. Fahad @ Md. Fahad Parbej has been granted bail by a co-ordinate Bench of this Court vide order dated 12.05.2023 passed in Cr. Misc. No. 23463 of 2023 and co-accused, namely, Arbaz @ Arbazuddin @ Md. Arbaz @ Md. Arbazuddin has been granted bail by a co-ordinate Bench of this Court vide order dated 25.04.2023 passed in Cr. Misc. No. 13908 of 2023. The petitioner is in custody since 10.10.2022.



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 and other accused persons that have assaulted the son of the informant and antimortem injury was found on the person of the deceased. Apart from the aforesaid, the petitioner carries two criminal antecedents other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in both the cases.

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 Additional District & Sessions Judge 2nd, Jamui in connection with Sessions Trial No. 56 of 2023 arising out of Jamui P.S. Case No. 434 of 2022, subject to the following conditions:-

i. 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.



ii. 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.

iii. 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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