

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23520 of 2023

Arising Out of PS. Case No.-197 Year-2022 Thana- SAKRI District- Madhubani

MD. MAKSOOD SON OF HANIF @ HANIF RAIN Resident of Village -
Dahaura, P.S. - Manigachhi, Distt. - Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha, Adv.

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-05-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Sakri
P.S. Case No. 197 of 2023 dated 02.10.2022 registered for the
offence under Sections 341, 504, 323, 324, 325, 307/34 of
the Indian Penal Code.

The husband of the informant is alleged to have
been beaten by the F.I.R. named accused persons by means
of iron rod.

Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and has falsely been implicated in this case. He
further submits that it appears from the F.I.R. itself that no



specific allegation of assault of any overt act is attributed to the petitioner rather there appears to be general and omnibus allegation of assault leveled against the petitioner. He further submits that the specific allegation of inflicting iron rod blow is attributed to the co-accused, Md. Kamrul Haque. He further submits that the co-accused, namely, Md. Aftab @ Aftab has already been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 07.04.2023 passed in Cr. Misc. No. 4952 of 2023 and the case of this petitioner stands on similar footing. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 09.02.2023.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Chief Judicial Magistrate, Madhubani in connection with Sakri P.S. Case No. 197 of 2022 corresponding to G.R. No. 1619 of 2022 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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