

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25299 of 2023

Arising Out of PS. Case No.-166 Year-2022 Thana- MAHESHKHUNT District- Khagaria

ZAFFAR IMAM son of Saif Khan @ Md. Saif Khan, resident of Village-
Salim Nagar, P.S. Maheshkunt, Dist- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jyoti Ranjan Jha, Advocate

For the Opposite Party/s : Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since 24.01.2023, in connection with Maheshkhunt P.S. Case No. 166 of 2022, F.I.R. dated 18.07.2022 registered for the offences punishable under Sections 447, 324, 325, 379, 504, 506, 307/34 of the Indian Penal Code.

Allegation against the petitioner is that he assaulted the victim Matin Mian with *farsa* on his head due to which he sustained injured.

Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against all the



accused persons and there is no specific allegation of any assault or overt act attributed to the petitioner. He further submits that due to admitted land dispute the present occurrence has taken place and there is case and counter case between the parties and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 24.01.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries one more case other than the present one in which he is on bail.

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 Judicial Magistrate 1st Class, Khagaria in connection with Maheshkhunt P.S. Case No. 166 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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