

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27987 of 2023

Arising Out of PS. Case No.-117 Year-2018 Thana- PAHARKATTA District- Kishanganj

Gul Mohammad Son Of Late Sifarat Ali Resident Of Village- Ruee Tola
Nayabasti, Ps- Paharkatta, Distt- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar, Advocate

For the Opposite Party/s : Mr. Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
04.01.2023 in connection with Paharkatta P.S. Case No. 117 of
2018, F.I.R. dated 29.07.2018 for the offences punishable under
Sections 323, 341, 324, 307, 504 of the Indian Penal Code.

3. According to prosecution case, as per written report
of the informant is that on 28.07.2018 at about 11:30 the
informant's brother went to plough his field with the tractor.
Then the petitioner along with the other co-accused person came
and made objection to plough the field and started abusing. It is
further alleged that when the informant's brother made objection
against the accused persons then they assaulting him. In that
course, the petitioner assaulted with sharp weapon with



intention to kill him which caused him injury and got unconscious. In the meantime, son of Najmuddin namely, Pappu and villager namely Jahir came to save him then the co-accused also assaulted on Pappu shoulder with the sharp weapon which caused him injury. It is further alleged that the petitioner again assaulted on Jahi's hand with sharp weapon which caused him injury.

4. Learned counsel for the petitioner submits that petitioner is innocent 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 offence as alleged in the F.I.R. He further submits that the allegation against the petitioner that he has assaulted the Jahir with sharp weapon and the injury report of the Jahir inflicted three injuries but all are simple in nature caused by hard and blunt substance. He further submits that there is admitted land dispute between the parties and there is case and counter case. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 04.01.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the



petitioner on the ground that petitioner carries one criminal antecedent other than the present one.

6. 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 Sessions Judge, Kishanganj in connection with Paharkatta P.S. Case No. 117 of 2018, 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)

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