

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31753 of 2023

Arising Out of PS. Case No.-190 Year-2020 Thana- BAIRIYA District- West Champaran

Taj Mohammad Gaddi @ Taj Mahammad Gaddi s/o of Late Mahaber Gaddi
Resident of Village- Bhatwalia, P.S.- Bairiya, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate.

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 24-06-2023 Heard Mr. Bimlesh Kumar Pandey, learned counsel
for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Bairiya P.S. Case No. 190 of 2020, registered for the offences punishable under Sections 147, 341, 323, 324, 302, 504 of the Indian Penal Code.

Allegedly, all the accused persons named in FIR including the petitioner assaulted the father of the informant by means of iron rod, lathi, fatta and stick, on account of which he sustained grievous injuries. Later on, during the course of treatment the father of the informant died.

Learned counsel appearing on behalf of the petitioner submits that from the FIR, it is evident that no specific allegation has been leveled against the petitioner and



furthermore the allegation leveled in the FIR does not corroborate by the postmortem report, which suggest that the deceased has sustained only one injury. Thus, considering the aforesaid facts other co-accused persons having identical allegation have been allowed bail by learned Coordinate Benches of this Court, the copies of which have been annexed in the bail application. He next submits that the petitioner has been found involved in one another criminal case, in which he is already on bail.

On the other hand learned APP for the State vehemently opposes the bail application and submits that allegation has been leveled against the petitioner of assault.

Regard being had to the submissions made on behalf of the parties and considering the postmortem report and also the fact that other co-accused persons having similar allegation have been allowed privilege of bail by learned Coordinate Benches of this Court, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Bettiah, West Champaran, in connection with Bairiya P.S. Case No. 190 of 2020, subject to the condition that one of the bailors



will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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