

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33144 of 2022

Arising Out of PS. Case No.-225 Year-2021 Thana- GORAU District- Vaishali

MD. JUNAID Son of Md. Nazir Resident of Village Mansoorpur Halaiya,
P.S. Goraul (Kathara O.P.), District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Mrs. Vaishnavi Singh, Advocate
For the Opposite Party/s	:	Mr. Dr. Ajeet Kumar, A.P.P.
For the Informant	:	Mr. Dharendra Prasad Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 01-02-2023 Heard learned counsel for the petitioner and learned
counsel for the informant as well as learned Additional Public
Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 447, 341, 323, 324, 307,
302/34 of the Indian Penal Code.

According to prosecution case, in short, is that the
informant's sons Md. Shamim and Md. Yakib were returning to
their house, as soon as they reached the house, accused Md.
Irshad, Md. Naushad, Md. Junaid, Tabassum Khatoon, Md.
Majid, Md. Rojid, Shamima Khatoon and Rafat Parveen



surrounded and caught hold of them. Accused Shamima Khatoon and Rafat Parveen brought dagger from the house and gave to Md. Irshad and Md. Junaid and ordered to kill. Thereafter, Md. Irshad stabbed knife in the abdomen of Md. Shamim and Md. Junaid inflicted dagger blow in the stomach of Md. Yakib. Md. Naushad indiscriminately assaulted with hockey on the neck of Md. Shamim, rest of the accused persons also assaulted his both the sons with lathi and hockey. Due to which his both sons became badly injured. His both sons were brought to Mahua Hospital but Md. Shamim died.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. She further submits that as per allegation as alleged in the F.I.R. that the petitioner gave knife blow at the stomach of Md. Yakib and other co-accused persons namely Md. Naushad assaulted the Md. Shamim and Md. Shamim died during treatment. She further submits that the injury report of the injured person namely, Md. Yakib that injury is simple in nature and both the parties are agnates and there is admitted land dispute between them. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated,



co-accused, namely, Md. Naushad, Md. Mazid and Md. Rozid have has been granted bail by this Court vide order dated 09.05.2022 passed in Cr. Misc. No. 62750 of 2021 and other co-accused persons namely, Tabbasum Khatoon, Shamima Khatoon and Rafat Pravin have been granted bail by this Court vide order dated 19.05.2022 passed in Cr. Misc. No. 70160 of 2021. The petitioner is in custody since 04.08.2021.

The learned counsel for the informant as well as learned Additional Public Prosecutor for the State have vehemently opposed the prayer for bail of the petitioner.

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 Court below where the case is pending in connection with Goraul (Katahra O.P.) P.S. Case No. 225 of 2021, 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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