

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.38874 of 2023**

Arising Out of PS. Case No.-17 Year-2023 Thana- RAGHOPUR District- Supaul

1. Md. Noor Salam S/O Md. Mikail @ Md. Nikahil R/O Village-Bengaipatti, Near Masjid, Ward No.05, P.S.-Raghopur, Dist.-Supaul
2. Md Ibran @ Md Imran S/O Md Mikail @ Md. Nikahil R/O Village-Bengaipatti, Near Masjid, Ward No.05, P.S.-Raghopur, Dist.-Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Amrit Abhijat, Advocate  
For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

3      04-08-2023      Heard learned counsel for the petitioners and learned  
APP for the State.

2.      Learned counsel for the petitioners seeks  
permission to withdraw the petition of petitioner no. 1.

3.      Permission is accorded.

4.      The application of petitioner no. 1 stands  
dismissed as withdrawn.

5.      Petitioner no. 2 seeks bail, who is in custody since  
14.01.2023, in connection with Raghopur P.S. Case No. 17 of  
2023, registered for the offences punishable under Sections 302,  
147, 148, 149, 341, 323, 324 of the Indian Penal Code.

6.      According to the prosecution case, the accused  
petitioner having with lathi, danda came and started abusing and



assaulting to the father of the informant. It is further alleged that the other co-accused persons namely Md. Manzoor, md. Mikail and md. Mansoor having with *axe, spade* and *khanti* indiscriminately assaulted his father as a result of which blood started oozing out from the body and later on died.

7. Learned counsel for the petitioner no. 2 submits that the petitioner no. 2 has clean antecedent and he has been falsely implicated in the present case. He further submits that from a bare perusal of the F.I.R. it appears there is no specific accusation of any assault or overt act attributed against the petitioner rather there is specific allegation against co-accused persons namely Md. Manzoor, Md. Mikail and Md. Mansoor. He further submits that the police after investigation submitted chargesheet against the petitioner no. 2 and the petitioner is in custody since 14.01.2023.

8. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner no. 2.

9. Considering the facts and circumstances of the case, let the petitioner no. 2, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. -I, Birpur, District- Supaul in connection with Raghapur P.S. Case No. 17 of 2023, subject to the following



conditions :-

(1) Petitioner no. 2 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 no. 2 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 no. 2 and in case at any stage, it is found that the petitioner no. 2 has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner no. 2. 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)**

Ibrar//-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

