

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38677 of 2023

Arising Out of PS. Case No.-161 Year-2022 Thana- BAHADURGANJ District- Kishanganj

Naim Akhter Son Of Mohammad Hussain @ Md. Hussain Resident Of
Village- Ward No. 11, Bansbari, Ps- Bahadurganj, 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. Shaheen Begum, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 04-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
24.03.2023 in connection with Bahadurganj P.S. Case No. 161
of 2022, F.I.R. dated 24.05.2022 for the offences punishable
under Sections 341, 323, 324, 307 and 34 of the Indian Penal
Code.

3. According to prosecution case, in brief is that the
informant alleged that on 23.05.2022 at around 5:00 P.M., he
had taken his son to Basbari for treatment, where this
accused/petitioner alongwith co-accused Mansuba Begum
attacked his son on head, eyes and chest with Dabiya due to
which he sustained serious injury and fell down after becoming
unconscious.

4. Learned counsel for the petitioner submits that



petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the present case is counter blast of Ladubala P.S. Case No.25 of 2014 against son of the informant. He further submits that bare perusal of F.I.R. it appears that the petitioner and Mansuba Begum have assaulted the informant by means of Dabiya and the co-accused namely Mansuba Begum against whom the similar allegation has been granted bail by the learned Chief Judicial Magistrate, Kishanganj. He further submits that the injury of the victim Sarwar Alam suggest that although he has inflicted nine injuries but all injuries were found from hard and blunt substance and the allegation as alleged in the F.I.R. does not support by the injury report and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 24.03.2023

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

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 Chief Judicial Magistrate I/C, Kishanganj in connection with



Bahadurganj P.S. Case No. 161 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 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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