

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46732 of 2023

Arising Out of PS. Case No.-71 Year-2023 Thana- GOGRI District- Khagaria

Md. Ashfak Son Of Md. Shafik Resident Of Village - Rampur Ward No. 2,
Po- Jamalpur, Ps- Gogari, Distt- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Prem Kumar Jha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
03.04.2023 in connection with Gogari P.S. Case No. 71 of 2023,
F.I.R. dated 20.02.2023 for the offences punishable under
Sections 341, 323, 307, 504, 379/34 of the Indian Penal Code.

3. According to prosecution case, in brief by informant
Sulena Begam is that on 20.02.2023 at about 12:00 noon
petitioner and two other co-accused persons namely, Md. Miraj
alias Sonu, Md. Shoaib and two unknown were gambling. On
objection raised by her husband, all accused persons started
assaulting and abusing him. Meanwhile Md. Miraj alias Sonu
assaulted on the head of her husband causing head injury and
Md. Shoaib snatched Rs.2500/- from her husband's pocket
forcibly and assaulted on the back and hand with iron rod to



Md. Lukman, Md. Miraj and Md. Shoaib threatened by pistol.
Md. Ashfak snatched gold chain from her neck.

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 petitioner has not committed any offence as alleged in the F.I.R. He further submits that bare perusal of F.I.R. it appears that there is specific allegation of assault is attributed against co-accused namely, Md. Lukman, Md. Miraj and Md. Shoaib and the allegation against the petitioner is that he has snatched the golden chain of the informant and there is no specific allegation of any assault or overt-act is attributed against the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 03.04.2023.

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 two criminal antecedents other than the present one, in which petitioner is on bail in both the cases as stated in para-3 of the bail petition.

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, Khagaria in connection with Gogari P.S. Case No. 71 of 2023, 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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