

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.52188 of 2023

Arising Out of PS. Case No.-37 Year-2022 Thana- FESHAR District- Aurangabad

Md. Taufique @ Taufique S/O Late Saeed R/O Village- Maulangar, Ps. Fesar
Dist. Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

ORAL ORDER

2 17-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 23.05.2023 in connection with Fesar P.S. Case No. 37 of 2022, F.I.R. dated 27.03.2022 for the offences punishable under Sections 341, 323, 325, 307/34, 504, 506 and 379 of the Indian Penal Code and later on 302 of the Indian Penal Code was also added.

3. According to prosecution case, One Jamila Khatoon gave fardbeyan before police and to the effect when her husband and her two sons were coming from the field, on their way eleven persons including the petitioner armed with deadly weapon assaulted them. By this, they received serious injuries and their treatment is going on in Sadar Hospital.

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 from a bare perusal of the F.I.R., there is no acquisition of any assault corroborated or



attributed against the petitioner rather there is general and omnibus allegation against all the accused persons including the petitioner. He further submits that co-accused persons namely Mahendra Yadav and Gajendra Yadav against whom the similar allegations, have been granted bail by a co-ordinate Bench of this Court vide order dated 15.12.2022 in Cr. Misc. No. 44662 of 2022 and another co-accused namely ***Istekhar Ahmad @ Iftekhar Ahmad and Ainul Hoda*** have been granted bail by a co-ordinate Bench of this Court vide order dated 09.12.2022 in Cr. Misc. No. 51614 of 2022, another co-accused person namely ***Shahnaz @ Shahnaz Bano*** has been granted bail by a co-ordinate Bench of this Court vide order dated 16.05.2023 in Cr. Misc. No. 63883 of 2022. The petitioner is in custody since 23.05.2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one but fairly submits on the basis of paragraph no.- 3 of the bail petition that he is on bail in the said case.

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, Aurangabad, in connection with Fesar P.S. Case No. 37 of 2022, subject to the following conditions:-

i. 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.

ii. 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.

iii. 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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