

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54683 of 2022

Arising Out of PS. Case No.-142 Year-2021 Thana- PRATAPGANJ District- Supaul

MD. KALIM S/o Farmud Miyan @ Md. Fariduddin R/o Parmanandpur, P.s.-
Pratapganj, Distt.- Supaul

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Singh, Adv.
For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 06-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since 19.04.2022, in connection with Pratapganj P.S. Case No. 142/2021, corresponding to S.T. No.267/2022, F.I.R. dated 20.11.2021, for the offences punishable under Sections 147, 149, 341, 323, 325, 307, 379, 504, 506 of the Indian Penal Code.

According to prosecution case, there is allegation against the petitioner that on the order of Bibi Buchni, the petitioner assaulted on the head of Md. Mustak by means of spade causing cut injury.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been



implicated in the present case. He further submits that there is case and counter case between the parties and as per allegation in the F.I.R. that the petitioner assaulted the brother of the informant by spade on his head. He further submits that the date of occurrence in the F.I.R is 16.11.2021 but the present F.I.R has been instituted on 20.11.2021, after delay of four days without giving any explanation of delay. He further submits that although the injury report of the brother of the informant namely, Md. Mustak suggests that the injury is grievous in nature but there is no repetition and there is no intention to kill the brother of the informant and the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 19.04.2022.

The learned Additional Public Prosecutor for the State on the other hand has 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 Additional Sessions Judge-II, Supaul, in connection with Pratapganj P.S. Case No. 142/2021, corresponding to S.T. No.267/2022, 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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