

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54991 of 2023

Arising Out of PS. Case No.-94 Year-2023 Thana- KOTWA District- East Champaran

AFSAAR KHAN SON OF ATIUR RAHMAN KHAN RESIDENT OF
VILLAGE -PATHAN PATTI, PS- HARSIDDHI, DISTT- EAST
CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Mr. Nand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 25-08-2023 Heard the parties.

The petitioner is an accused in connection with Kotwa P.S. Case No. 94 of 2023 registered for the offences under sections 395 and 412 of the Indian Penal Code lodged on 11.03.2023 by the informant, Md. Akhtar.

As per the prosecution story, the informant alleged that while he was moving on a pick-up van loaded with chicken worth Rs. 2,33,301/-, a 'Bolero' vehicle over took him, 8-10 persons came out, abused and beat him. Some of the accused persons were identified by him as they belong to his maternal grand-mother's home, the petitioner being one of them. The assault made on the body by sharp cutting weapon made him loose consciousness. When he regained consciousness, was found lying near Madhubani Ghat and the accused persons had disappeared along with pick-up van. On the basis of GPS



system present in the pick-up van, it was found that the same is being unloaded at the house of Aliyas and Naseem. This followed the FIR.

It is the case of the petitioner that nothing has been recovered from his conscious possession, is 20 years of age, T.I. Parade has not been done and further has been implicated only because he had supported the rival party candidate in the election.

Learned APP for the State, on the other hand, opposes the prayer for bail.

Taking into account the fact that the omnibus allegation is there, the pick-up van was being unloaded in the house of Alias and Naseem, he is young boy of 20 years, has remained in custody since 12.03.2023 (as stated in paragraph 16 of the bail application), this Court is inclined to extend him privilege of bail but only after framing of the charges.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Kotwa P.S. Case No. 94 of 2023, subject to the following conditions:-



(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Neha/-

U		T	
---	--	---	--

