

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56351 of 2022**

Arising Out of PS. Case No.-168 Year-2022 Thana- CHERIYA BARIYARPUR District-
Begusarai

MD. INAYATULLAH @ TONI @ MD. ANAYATULLAH S/O MD.
SALAUDDIN @ MD. SHAHABUDDIN Resident of village- Pabra, P.S.-
Cheria Bariyarpur, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajnish Kumar, Advocate

For the Opposite Party/s : Mr.Shyameshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 07-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since
29.07.2022 in connection with Cheria Bariarpur Manjhaul
(O.P.) P.S. Case No. 168 of 2022, F.I.R. dated 05.07.2022
registered for the offence punishable under Sections
341,307,386,504,506,34 of the Indian Penal Code and Section
27 of the Arms Act.

Allegation of firing upon the informant is against co-
accused Md. Sonu and Md. Ashafaque, who shot him two
bullets from their pistol, as such, there is no allegation of firing
against the petitioner.

Learned counsel appearing for the petitioner submits
that the petitioner has falsely been implicated in the present



case. From bare perusal of the FIR it transpired that the allegation is of firing attributed against co-accused Md. Sonu and Md. Ashafaque. Further submits that it appears from the FIR that the date of occurrence as alleged in the FIR is 23.06.2022 but the present FIR has been instituted after delay of 11 days i.e. on 05.07.2022 without giving any explanation of delay and in fact the stolen motorcycle was recovered after two days of the alleged occurrence from co-accused Md. Sonu and Md. Ashafaque and for that, another case i.e. Cheria Bariarpur Manjhaul (O.P.) P.S. Case No. 156 of 2022 has been instituted and the petitioner has no concern at all with the alleged occurrence and during investigation no other cogent material has come against the petitioner to suggest the involvement of the petitioner and the petitioner is co-villager of the informant and the petitioner is in custody since 29.07.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the aforesaid fact, 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 learned Sub Divisional Judicial



Magistrate, Manjhaul, Begusarai in connection with Cheria Bariarpur Manjhaul (O.P.) P.S. Case No. 168 of 2022, with 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/her absence on two consecutive dates without sufficient reason, his/her 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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