

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58566 of 2023

Arising Out of PS. Case No.-69 Year-2019 Thana- ANDHRAMATH District- Madhubani

MD. MUMTAJ @ MD. MUMTAJ AALAM son of Md. Rasul R/o Village-
Hariraha P.S- Andramath Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ratanakar Jha, Advocate

For the Opposite Party/s : Mr.Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-10-2023 Heard Mr.Ratanakar Jha, learned counsel for the

petitioner and Mr.Umanath Mishra, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with G.R. No. 553 of 2019 arising out of Andramath P.S. Case No. 69 of 2019, FIR dated 20.04.2019 registered for the offences punishable under Sections 341, 323, 324, 307, 337, 379, 504, 34 of the Indian Penal Code.

3. Allegedly in course of measurement of the land conducted by the Amin in the process of partition, all the FIR named accused persons started abusing and assaulting the informant and when the father of the informant protested, the petitioner assaulted him by means of bricks. Further



allegation has been levelled against other co-accused persons of assault and snatching of valuables.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. As per allegation in the FIR the petitioner has assaulted to the informant by means of bricks and the informant has received injury. Further submits that although the informant has received injury but the injury is simple in nature caused by hard and blunt substance and co-accused person, namely, Md. Muktar Ahamad @ Md. Mukhar @ Md. Mukhatar Allam, against whom the allegation that he assaulted to one Md. Ansharul by means of iron rod, has been granted privilege of anticipatory bail by a Coordinate Bench of this Hon'ble Court vide order dated 11.10.2023 passed in Cr. Misc. No.58886 of 2023.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts, petitioner has clean antecedent, the informant has received simple injury and co-accused person has been granted privilege of anticipatory bail, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty



days from the date of receipt of the order, 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 Judicial Magistrate, 1st Class, Jhanjharpur, Madhubani in connection with G.R. No. 553 of 2019 arising out of Andramath P.S. Case No. 69 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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/her absence on two consecutive dates without sufficient reason, his/her bail bonds shall be cancelled by the Court below.

(II) If the petitioner tamper 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/her criminal antecedents, 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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