

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58846 of 2023

Arising Out of PS. Case No.-468 Year-2019 Thana- KISHANGANJ District- Kishanganj

Md. Muzammil @ Mujmil @ Md. Mojmil @ Md. Mazammil @ Mujemil Son
Of Salim R/O Mohammadpur, P.S. And Distt. - Kishanganj
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Singh, Advocate
For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 20-09-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Kishanganj P.S. Case No. 468 of 2019 dated 11.09.2019
instituted for the offence punishable under Sections 147, 341,
323, 324, 308, 379, 504, 506 of the Indian Penal Code.

3. The prosecution case, in short, is that on
10.09.2019 at about 12.00 noon, the informant along with his
family members were going to visit a fair at Suiya. As soon as
they reached at bridge of N.H. 31, the petitioner, armed with
blunt knife, along with 6 other co-accused persons who were
armed with sword, iron rod, *bhala*, *lathi* came there and
assaulted on the informant and his family members, due to
which the informant and his brothers sustained serious injuries.



It is alleged that the accused persons have taken the mobile and Rs. 500/- from the pocket of his brother. It is also alleged that the wives of the accused persons went to the house of the informant and abused the ladies of the informant's house.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that the petitioner is daily wage earner who lives in Delhi since last four years for his livelihood. Learned counsel for the petitioner submits that there is a counter case being Kishanganj P.S. Case No. 469 of 2019 lodged by the wife of the co-accused Jamal against the informant. Learned counsel for the petitioner submits that the allegation levelled against the petitioner is omnibus and not specific. Lastly, it has been submitted that petitioner has no criminal antecedent against him.

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

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Kishanganj P.S. Case No. 468 of 2019, he shall be released on anticipatory bail upon



furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Kishanganj subject to condition as laid down under Section 438(2) of the Cr.P.C, as well as 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

II. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

III. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner are made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

IV. 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.

(Khatim Reza, J)

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