

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66733 of 2022**

Arising Out of PS. Case No.-586 Year-2022 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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Md. Kurban @ Md. Kurwan @ Kurban Son Of Md. Israil R/O Mohalla-
Mustafapur, P.S.- Barari, District- Bhagalpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Syed Masleh Uddin Ashraf, Advocate

For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

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

2 21-03-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 147, 148, 149, 341, 323,
307, 504, 506, and 379 of the Indian Penal Code.

Prosecution case, in brief, is that according to the
F.I.R., on 11.07.2022 at about 08:30 P.M., an altercation took
place between the informant and accused persons on account of
taking water from government tap and consequently the
accused persons assaulted him and other family members by
means of rod/stick causing injury to them and also snatched
Rs.10,000/- and threatened of dire consequence if a case is
being instituted.

Learned counsel for the petitioner submits that



petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner was not present at the time of the occurrence. He further submits that there is no acquisition of any assault or overt-act against the petitioner. He further submits that the allegation against the petitioner is that he and another co-accused persons have assaulted the daughter-in-law of the informant. He further submits that there is no injury report of the daughter-in-law of the informant is on record. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Bulbul Khatoon @ Bulbul and others have been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 22.12.2022 passed in Cr. Misc. No. 58986 of 2022. The petitioner is in custody since 14.07.2022.

The learned Additional Public Prosecutor for the State 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 Court below where the case is pending in connection with Kotwali (Barari) P.S. Case No. 586 of 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)

Saurabhkrsinha/
Alok/-

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