

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3648 of 2022

Arising Out of PS. Case No.-150 Year-2022 Thana- MITHANPURA District- Muzaffarpur

Md. Ladley @ Azharuddin, S/o Kamruddin R/V- Dharampatti (Pani Tanki),
P.S.- Bela, Distt- Muzaffarpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Upendra Kumar
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 28-02-2023 Heard Ld. counsel for the appellant and Ld. Special
Public Prosecutor for the State.

This criminal appeal has been filed to enlarge the appellant on bail, impugning the order dated 24.08.2022, passed by Ld. A.D.J.-I-cum-Special Judge, SC/ST Act, Muzaffarpur, in connection with Mithanpur P.S. Case No. 150 of 2022, registered for the offences punishable under Sections 341, 323, 324, 307, 504, 506 and 34 of the Indian Penal Code and 3(1)(2)(s) 2(va) of the SC/ST Act whereby bail has been denied to the appellant.

The prosecution case as emerging from the FIR is that on 15.05.2020, when the informant, along with his



Sarhu, was going to attend a marriage ceremony, he underwent an auto-fare dispute. It is alleged that the accused persons assaulted the informant with iron rod and sticks, due to which he suffered severe injury.

Ld. counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. He further submits that similarly situated co-accused persons, namely, Md. Javed, and Md. Zabed have been enlarged on bail by co-ordinate Bench of this Court vide order dated. 12.01.2023, and 09.02.2023, passed in Cr. Appeal (SJ) No.3104 of 2022, and Cr. Appeal (SJ) No. 3463 of 2022, respectively.

He further submits that the appellant has been languishing in jail since 04.08.2022.

It has also been stated in paragraph no. 3 of the appeal that the appellant has no criminal antecedent.

It is also stated in paragraph no. 2 of the appeal that the appellant has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. Special Public Prosecutor for the



State vehemently opposes the prayer of the appellant for bail.

Considering the aforesaid facts and circumstances, **the appeal is allowed**, setting aside the impugned order dated 24.08.2022, passed by Ld. A.D.J.-I-cum-Special Judge, SC/ST Act, Muzaffarpur, and directing the appellant to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. A.D.J.-I-cum-Special Judge, SC/ST Act, Muzaffarpur in connection with Mithanpur P.S. Case No. 150 of 2022 on the following conditions:

(i) The appellant will make himself available for interrogation by a police officer/court as and when required.

(ii) The appellant will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The appellant shall not, directly or indirectly make any inducement, threat or promise to any person



acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the trial court that the appellant has any criminal antecedents, the Ld. trial court shall cancel the bail bonds of the appellant after hearing him and getting satisfied that the appellant has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the trial court that statement regarding previous bail appeal is wrong, the Ld. trial court shall cancel the bail bonds of the appellant.

Ld. counsel for the appellant is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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