

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62300 of 2023**

Arising Out of PS. Case No.-167 Year-2022 Thana- GAYA MUFASIL District- Gaya

Md. Akhtar @ Pappu S/O Md. Khairudeen R/O Village- Bhadeja, P.S-
Muffasil, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Priya Ranjan,Advocate

For the Opposite Party/s : Mr.Nand Kishore Prasad, APP

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

2 27-09-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
12.06.2023 in connection with Muffasil P.S.Case No. 167 of
2022, F.I.R. dated 15.03.2022 registered for the offence
punishable under Sections 147,148,149,323,307,379,427 and
504 of IPC.

3. The prosecution case, in brief, is that the
informant has alleged that on 28.02.2022 the accused persons
named in the FIR came to his residence armed with
conventional weapons and by abusing on saying that they had
not voted in favour of them began brutally assaulting the
informant causing him head injury, they also assaulted him



with hockey stick and danda, when the wife of the informant came she was also assaulted by co-accused Md. Akbar, they also damaged the house hold articles, committed theft of cash, co-accused Md. Samir made firing and the injured persons were treated in hospital.

4. Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. There is case and counter case between the parties. Further submits that it appears that there is no accusation of any assault or overt-act attributed against the petitioner rather there is general and omnibus allegation. There is specific allegation against co-accused person, namely, Md. Altaf, who has inflicted by iron rod to the informant, at best, the petitioner is accompanied with other co-accused persons and the petitioner is own brother-in-law of the informant and due to some family dispute, the name of the petitioner has been falsely implicated in the present case and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 12.06.2023.

5. Learned APP for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner on



the ground that the petitioner carries two more cases other than the present one but fairly submits that the petitioner is on bail in both the cases, as mentioned in para-3 of the bail petition.

6. Considering the aforesaid facts, 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 C.J.M., Gaya in connection with Muffasil P.S.Case No. 167 of 2022, with 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 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.

(II) 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.

(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 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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