

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64051 of 2022

Arising Out of PS. Case No.-39 Year-2022 Thana- TETERHAT District- Lakhisarai

BULAND AHMAD Son of Abdul Hakim R/O Village - Gulni, P.S.- Tetarhat,
District - Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the Opposite Party/s : Mr. Anil Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 28-02-2023 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 447, 341, 323, 307/34, 504 of the Indian Penal Code.

According to prosecution case, the petitioner and the co-accused person armed with lathi, danda and rod came and forbade the informant to encircle near the house with bamboo. When the informant objected, the petitioner and the co-accused persons started assaulting the informant with lathi and danda with intention to kill which caused injury on the head of the informant. When the informant's wife came to rescue, the petitioner and the co-accused person assaulted on the head of the informant's wife with rod and lathi causing head injury.



When informant's daughter also came to rescue, she was assaulted with lathi, danda by the co-accused person causing injury on her head.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that the petitioner and informant are own brother and there is land dispute and it appears from the F.I.R. that there is general and omnibus allegation against all the accused persons including the petitioner. He further submits that it appears from the injury report of the informant that the doctor has found that informant has received four injuries and all injuries are simple in nature. He further submits that the injury report of wife of informant, she sustained five injuries and out of which injury No.2 and 3 are grievous in nature and there is no specific allegation of any assault or overt-act against the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Md. Nashir and Md. Yashir have been granted bail by a co-ordinate Bench of this Court vide order dated 10.01.2023 passed in Cr. Misc. No. 51005 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 and submits that petitioner carries one criminal antecedent other than the present one.

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 Tetarhat P.S. Case No. 39 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)

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