

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62525 of 2022

Arising Out of PS. Case No.-368 Year-2020 Thana- FORBESGANJ District- Araria

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AHMAD @ AHMAD HUSSAIN Son of Late Mubarak Resident of village -
Kurthaili, Ward No.- 7, P.S.- Forbesganj, District - Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Adv.

For the Opposite Party/s : Mr. Rabindra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 24-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
16.07.2022, in connection with Forbesganj P.S. Case No.
368/2020, F.I.R. dated 12.05.2020, for the offences punishable
under Sections 147, 148, 149, 447, 448, 341, 323, 337, 338, 307
and 504 of the Indian Penal Code and later on Section 302 of
the Indian Penal Code was added.

According to prosecution case, the petitioner along
with co-accused namely Quamruzzama @ Bechan assaulted to
the neighbour of the informant namely Md. Aziz on his chest by
means of brick.

Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the



present case. He further submits that it appears from the F.I.R. that F.I.R. is in two parts. In first part, there is general and omnibus allegation against 17 accused persons including the petitioner. In second part, there is specific allegation against the petitioner and co-accused namely, Bechan that they have assaulted the neighbour of the informant, namely, Md. Aziz on his chest by bricks and he sustained injury. He further submits that due to land dispute, the present occurrence has taken place. He further submits that there was no intention to kill the informant and other co-accused, namely, Md. Anjar @ Md. Anjaar @ Bablu has been granted bail by a co-ordinate Bench of this Court vide order dated 13.07.2021 passed in Cr. Misc. No. 11752/2021, other co-accused, namely, Rashid @ Rasid @ Abdur Rashid and others have been granted bail vide order dated 07.02.2022 passed in Cr. Misc. No. 17139/2021, other co-accused namely, Anwarul @ Md. Anwarul has been granted bail vide order dated 28.09.2022 passed in Cr. Misc. No. 19763/2022. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 16.07.2022.

The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of



the petitioner on the ground that the petitioner carries one criminal antecedent other than the present one. He further submits that the allegation against the petitioner as alleged in the F.I.R. is supported by the medical evidence.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail, after framing of charge, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Araria, in connection with Forbesganj P.S. Case No.368/2020, 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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