

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62007 of 2022

Arising Out of PS. Case No.-248 Year-2022 Thana- NAUTAN District- West Champaran

SHEKH JUMA Son of Late Shekh Hafiz @ Late Shekh Tuli R/V- Khadda,
Churiharwa Tola, P.S- Nautan, Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar

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

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 16-02-2023 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with Nautan
P.S. Case No. 248 of 2022, registered for the offences
punishable under Sections 341, 323, 324, 325, 307, 447,
504 and 34 of I.P.C.

The prosecution case as emerges from the FIR is
that when on 19.04.2022 at about 06:30 P.M. the informant
was sitting at the door of his house, his *pattidar*, Seikh
Jumma along with other persons came to his door regarding
the previous dispute and started abusing and assaulting him,
due to which he sustained injury.



Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that there is case and counter-case and injuries were sustained by both sides. He also submits that investigation in this case is complete and charge-sheet has already been submitted.

He further submits that the petitioner has been languishing in jail since 20.07.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in two more cases in which petitioner is on bail.

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

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged 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. Chief Judicial Magistrate, Bettiah, West Champaran in connection with Nautan P.S. Case No. 248 of 2022, **after framing of charge, if not already not framed** on the following conditions:

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

(ii) The petitioner 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 petitioner 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 court below that the petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that



the petitioner has concealed his criminal antecedents despite his knowledge of the same.

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

Ld. counsel for the petitioner 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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