

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66743 of 2022

Arising Out of PS. Case No.-460 Year-2021 Thana- TURKAULIYA District- East
Champaran

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SHEKH RAZZAK @ SHEIKH RAJJAK Son of Late Sheikh Dost
Mohammad @ Late Sekh Mohammad Resident of Village- Madhopur, P.S.-
Turkauliya, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-03-2023 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 147, 149, 341, 323, 324,
354B, 379, 307, 504 and 506 of the Indian Penal Code.

Prosecution case, in brief, is that Sk. Rahmatullah has
filed a petition before the police office stating therein that on
09.06.2021 at about 08:00 P.M., the informant was sitting at his
door, in the meantime all the F.I.R named accused persons
including this petitioner-accused came there and started abusing.
When the informant raised objection, the accused persons asked
as to why the informant is flowing water of his house on the
road, to which the informant replied that the said water is rain.



On this, all the accused persons attacked on the informant and with a view to commit murder, accused Sk. Nasim gave farsa blow on the head of the informant causing cut injury and bleeding and after sustaining injury, when the informant fell down, accused Sk. Rajak assaulted him with iron rod. When the informant's son Sk. Sagir came to rescue, the accused persons surrounded him and accused Sk. Imteyaz gave Bhala blow on the informant, which hit on his right flank causing cut injury and bleeding. When the informant fell down, accused Sk. Mustaque assaulted him with lathi. Hearing noise, when the informant's daughter Ruabaza Khatoon came to rescue, accused Sk. Rajak surrounded and assaulted her with iron rod and when she fell down and this petitioner accused Gulshan Khatoon grabbed her hair and started dragging her due to which her clothes torn and she became unveiled and assaulted her and also snatched her gold chain. Hearing noise, nearby persons came and saved the informant and his family members.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is that the petitioner had assaulted Ruabza Khatoon by means of iron rod. He further



submits that the injury report of the Ruabza Khatoon is simple in nature caused by the hard and blunt substance. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Sheikh Nasim @ Nasim Ahmad and Sheikh Imteyaz @ Md. Imteyaz have been granted bail by a co-ordinate Bench of this Court vide order dated 25.08.2022 passed in Cr. Misc. No. 30617 of 2022. The petitioner is in custody since 22.08.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

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 Turkauliya P.S. Case No. 460 of 2021, 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)

Saurabhkrsinha/
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