

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68451 of 2022

Arising Out of PS. Case No.-541 Year-2021 Thana- PURNEA SADAR District- Purnia

MD. GUDDU MIAN @ GUDDU MIYAN Son of Latif Miyan Resident of
near Arbia College, P.S.- K.Hat, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nadimul Hasan, Advocate

For the Opposite Party/s : Mr. Jagdhar Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 10-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
03.06.2022 in connection with Sadar (Mufassil) P.S. Case No.
541 of 2021, F.I.R. dated 12.10.2021 for the offences punishable
under Sections 341, 323, 324, 307, 504 and 506 of the Indian
Penal Code.

According to prosecution case, on 11.10.2021, when
the informant was returning back to her house at village Balwa
after making pairvi in the court then this petitioner being the
second husband of the informant meet her. Thereafter, both of
them sat on an auto rickshaw and were returning to their house
but in the meantime, at about 7.30 P.M. as soon as they came at
near Mansaram Pul through auto rickshaw, this petitioner



stopped the auto-rickshaw and pull her on that place. Thereafter, he pulled near bottom of the bridge and started beating her. He also assaulted her through blade on her face, neck, nose and all over the body. Thereafter, he tied her neck through Saree, when the informant act as a death then he leave her. On that situation, she spend over night at bottom of the bridge and at on next day early morning, travelers shown her and informed to the Muffasil police station.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that petitioner has not committed any offence as alleged in the F.I.R. and as per F.I.R. the allegation against the petitioner is that he has assaulted the second wife with the sharp edge substance but the injury report reveals that four injuries over the body of the informant but all the injuries are simple in nature cause by sharp edge substance. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 03.06.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other



than the present one in which he is on bail.

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 Chief Judicial Magistrate, Purnea, in connection with Sadar (Mufassil) P.S. Case No. 541 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)

mdrashid/-

U		T	
---	--	---	--

