

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63171 of 2022**

Arising Out of PS. Case No.-176 Year-2022 Thana- GWALPARA District- Madhepura

MD. SUBHAN @ MD. SUBAHAN Son of Md. Israil R/V- Laldih Jhanjhari,
W. No. 12, P.S- Gwalpara, Dist- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 25-02-2023 Heard learned counsel for the petitioner and the

learned counsel for the informant as well as learned A.P.P. for

the State.

The petitioner seeks bail in a case registered for

the offence under Sections 147, 148, 149, 341, 323, 324, 325,

307, 504 and 506 of the Indian Penal Code later on Section

302 of the Indian Penal Code has been added.

The son of the informant is said to have been

assaulted by the F.I.R. named accused persons including the

petitioner by means of lathi, danda and sword causing him

injuries.

Learned counsel appearing for the petitioner

submits that the petitioner, who is of clean antecedent, is



innocent and has falsely been implicated in this case. He further submits that it appears from the F.I.R. that there is no specific allegation of assault or any overt act committed by the petitioner rather there is general and omnibus allegations attributed to the petitioner. He further submits that there is case and counter case between the parties. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 17.08.2022.

Learned counsel for the informant as well as learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner is instrumental in commission of the alleged offence of murder of the grand son of the informant.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Court below where the case is pending in connection with Gwalpara P.S. Case No. 176 of 2022 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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