

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68129 of 2023

Arising Out of PS. Case No.-278 Year-2022 Thana- PALASI District- Araria

Samshad @ Samshad Alam S/O Md. Jainul @ Jainul R/O Village-
Sahayampur, Ward No. 12, Seyampur, P.S- Palasi, Distt.- Araria.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nafisuzzoha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-10-2023 Heard Mr.Nafisuzzoha, learned counsel for the

petitioner and Mr.Shailendra Kumar Singh,learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Palasi P.S.Case No.278 of 2022,FIR dated 31.08.2022 registered for the offences punishable under Sections147,341,323,324,307,354(B),379,504,506/34 of IPC later on added Section 302 of IPC.

3. As per the prosecution case, all the accused persons armed with deadly weapons came to the house of the informant and started abusing informant and his family members. It is further alleged that when bhabhi of the informant came to save then accused persons also assaulted



her and outraged her modesty by tearing her cloth.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. Further submits that it appears from the FIR that the FIR is in two parts. In 1st part, there is general and omnibus allegation against all the accused persons including the petitioner and in 2nd part there is specific allegation against co-accused persons, namely, Md.Naseem, Md. Sabir, Md. Rozid and Md. Jasim that they have assaulted to the informant and his brother and during treatment the brother of the informant died. Further submits that from a bare perusal of the FIR it appears that there is no accusation of any assault or overt-act attributed against the petitioner and the co-accused persons, namely, Bibi Jahano, Bibi Nurso, Md. Nasim, Md. Sabir @ Sabir Alam and Md. Wasik @ Wasikur Rahman have been granted privilege of anticipatory bail vide orders dated 11.05.2023, 30.05.2023, and 11.08.2023 passed in Cr. Misc. Nos. 12951 of 2023, 17353 of 2023 and 47352 of 2023 respectively.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts, let the petitioner,



above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 C.J.M., Araria in connection with Palasi P.S.Case No.278 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) 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 cancelled by the Court below.

(II) 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.

(III) 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/her 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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