

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65833 of 2022

Arising Out of PS. Case No.-108 Year-2022 Thana- ASARGANJ District- Munger

MD. MOJAMMIL @ MD. MUJJIMAL S/O MD. ISRAIL Resident of
Village- Bishanpur, P.S.- Asarganj, District- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Adv.
For the Opposite Party/s : Mr. Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 05-04-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.

Petitioner seeks bail, who is in custody since
30.07.2022, in connection with Asarganj P.S. Case
No.108/2022, F.I.R. dated 13.07.2022, for the offences
punishable under Sections 341, 323, 324, 325, 447, 504, 506
and 34 of the Indian Penal Code and later on Sections 147, 148,
149 and 302 of the Indian Penal Code were added.

According to prosecution case, there is allegation
against the petitioner that he along with other co-accused
persons assaulted the informant with lathi and danda. It is
further alleged that co-accused namely, Md. Mudaveer and Md.
Mosraf assaulted the informant by means of sword and knife
causing bleeding injury to the informant. Thereafter the



informant was taken to hospital, where during course of treatment, he died.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that there is specific allegation of assault against the co-accused persons, namely, Md. Mudaveer and Md. Mosraf and there is no allegation against the petitioner and there is general and omnibus allegation against the petitioner. He further submits that no other cogent material has come during investigation against the petitioner and the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 30.07.2022.

The learned counsel for the informant as well as learned Additional Public Prosecutor for the State on the other hand on the basis of the material available in the record and the case diary vehemently opposed the prayer for bail of the petitioner and submits that the petitioner has actively participated in the present occurrence.

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 A.C.J.M.,
II, Munger, in connection with Asarganj P.S. Case No.108/2022,
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)

amit/-

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

