

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69453 of 2022

Arising Out of PS. Case No.-128 Year-2019 Thana- KHANPURA District- Samastipur

MD. AKHTAR @ MD. AKHAR S/o Late Md. Suleman R/o Village-
Purushsottampur Annu, P.S.- Khanpur, Distt- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan, Advocate
For the Opposite Party/s : Mr. Prem Kumar Jha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 15-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
15.06.2022 in connection with Khanpur P.S. Case No. 128 of
2019, F.I.R. dated 11.09.2019 for the offences punishable under
Sections 147, 148, 149, 307, 323, 324, 341 and 302 of the
Indian Penal Code.

According to prosecution case, the petitioner in
association of other co-accused is said to have variously armed
arrived at the house of the informant and attacked the informant
and her family members, resulting in death of the father-in-law
of the informant.

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 bare



perusal of the F.I.R. it appears that there is no specific allegation of any assault or overt-act is attributed against the petitioner rather there is general and omnibus allegation against the petitioner. He further submits that similarly situated, co-accused, namely, Md. Saukat @ Saukat and others have been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 05.11.2020 passed in Cr. Misc. No. 17120 of 2020, another co-accused namely, Md. Taiyeb has been granted bail by a coordinate Bench of this Court vide order dated 03.05.2023 passed in Cr. Misc. No. 7429 of 2023, another co-accused namely, Md. Mumtaj @ Md. Mumtaj Ali and Phool Hasan @ Phul Md. Miyan have been granted bail by a coordinate Bench of this Hon'ble Court vide orders dated 1.12.2021 and 23.11.2022 passed in Cr. Misc. No. 39924 of 2021 and Cr. Misc. No. 46159 of 2022. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 15.06.2022.

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 Chandra



Bhushan Bharti, Judicial Magistrate, Samastipur in connection with Khanpur P.S. Case No. 128 of 2019, 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)

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