IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70755 of 2023

Arising Out of PS. Case No.-226 Year-2020 Thana- PHULPARAS District- Madhubani

==========

MD. ISHA SON OF MD. YAKUB RESIDENT OF VILLAGE-SISWABARHI CHATRATOL, PS- PHULPARAS, DIST- MADHUBANI

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

==========

Appearance :
For the Petitioner/s : Mr.Manoj Kumar Jha, Adv
For the Opposite Party/s : Mr.Anita Kumari, APP

==========

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 09-11-2023 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Phulparas P.S. Case No. 226 of 2020 registered on 26.05.2020 lodged under Sections 147, 148, 149, 447, 448, 323, 307, 380, 427, 504, 506 of the I.P.C. and 27 of the Arms Act.

3. As per the prosecution case, F.I.R. has been lodged against 12 named accused persons in which it has been alleged by the informant that in the morning hour, he along with 40-50 persons entered into mosque for worship. In the meantime, the petitioner along with others entered and fired on the informant due to which the informant and his uncle were injured and looted household articles. It has been also alleged that informant was stopped from reaching the hospital but anyhow he went

WEB COPY

there. Thereafter, F.I.R., has been lodged.

4. Counsel further submits that petitioner is innocent and has committed no offence. He further submits that petitioner and informant are well known to each other and with a supremacy, the case and counter case has been filed from both sides. Informant has filed the present case Phulparas P.S. Case No. 226 of 2020 whereas petitioner has filed Phulparas P.S. Case No. 228 of 2020. He further submits that he is in custody since 15.10.2022 having seven criminal case pending against him in which he is on bail except one case in which he is persuading for bail.

5. Counsel for informant vehemently opposes the prayer for bail and submits that petitioner is dreaded criminal of the area. There are in total 16 cases pending against him and he has made wrong submission in this Court that he has only seven cases pending against him.

6. Learned counsel for the State opposes the prayer for bail and submits that antecedents of the petitioner shall be taken into consideration at the time of granting bail.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail ***after framing of charge*** and on

WEB COPY

furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M-II, Jhanjharpur, Madhubani in connection with Phulparas P.S. Case No. 226 of 2020, subject to the following conditions as well as the conditions laid down under Section 437 (3) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide;*

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

WEB COPY

8. At the time of accepting the bail bond, the Trial Court will ascertain about the criminal antecedent of the petitioner. In the event, if it is found that there are more than nine cases including the present one against the petitioner the present order shall be treated to be inoperative. But if it has been found that antecedent of the petitioner is not more than nine cases, the bail bonds of the petitioner shall be granted.

9. With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

Sunnykr/-

U		T	

WEB COPY