

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75166 of 2023

Arising Out of PS. Case No.-61 Year-2020 Thana- RAHIKA District- Madhubani

Md. Mumtaj @ Pappu Son of Late Md. Hasan R/O Village- Sugauna, P.S.-
Rahika, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagandeo Yadav, Adv. Mr. Ravi Prakash, Adv. Mr. Rajesh Kumar, Adv.
For the Informant	:	Mr. Shailendra Kr. Jha, Adv.
For the State	:	Ms. Renu Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 01-12-2023 Heard learned counsel for the petitioner and learned
APP for the State as also counsel for the Informant.

2. The petitioner seeks bail in connection with Rahika
P.S. case No. 61 of 2020 instituted for the offences under
Sections 307, 147, 148, 149, 324, 325, 326, 380, 341, 342, 504,
506 of the Indian Penal Code.

3. As per prosecution case, the petitioner along with
other co-accused persons assaulted the Informant and his
brother causing multiple injuries to them.

4. Learned counsel for the petitioner submits that the
petitioner had earlier moved before this Court for grant of
anticipatory bail which was rejected by a Co-ordinate Bench of
this Court vide order dated 29.03.2022 passed in Cr. Misc. No.



40018 of 2021. He further submits that the petitioner thereafter filed anticipatory bail application before the Hon'ble Supreme Court bearing SLP (Criminal) Diary No. (5) 25084 of 2023 and the same was withdrawn as during pendency of the same, the petitioner was arrested.

5. It has been submitted on behalf of the petitioner that the petitioner is in custody since 23.07.2023 and has three criminal antecedents as stated in paragraph no.3 of the present bail application. Charge-sheet has been submitted in this case. Learned counsel for the petitioner submits that general and omnibus allegation has been made against the petitioner and has falsely been implicated in the present case. There is case and counter case between the parties. Free fight is alleged to have taken place between the parties. He further submits that the injury report of the Informant party is manufactured one and have been obtained by a private hospital. It has further been stated that the co-accuseds namely (1) Md. Shahnwaj @ Sahanvaj @ Munna (2) Md. Ashraf @ Ashrafuddin (3) Md. Kalim and (4) Abdul Barik @ Abdul Barique have been granted bail by a Co-ordinate Bench of this Court vide orders dated 21.12.2022, 14.12.2022, 02.02.2022 & 24.08.2021 passed in Cr. Misc. Nos. 54501 of 2022, 51607 of 2022, 42788 of 2021 and



14778 of 2021 respectively.

6. Learned A.P.P. for the State and the Informant has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the entire facts and circumstances of the case as also taking into account the period of custody and the nature of injury, this Court is inclined to grant bail to the petitioner. Let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Rahika P.S. case No. 61 of 2020, subject to following conditions:-

(i) One of the bailors shall be own/close member of the family of the petitioner.

(ii) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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