

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73365 of 2022**

Arising Out of PS. Case No.-142 Year-2022 Thana- KAMTAUL District- Darbhanga

Md. Imran @ Md. Ibran Son of Md. Kalam R/V- Kanaur, P.S.- Kamtaul,
District - Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar, Advocate

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 11-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
08.09.2022 in connection with Kamtaul P.S. Case No. 142 of
2022, F.I.R. dated 15.06.2022 for the offences punishable under
Sections 323, 341, 324, 307, 379, 504, 506/34 of the Indian
Penal Code.

According to prosecution case, all the accused persons
including the petitioner assaulted the informant and his son by
means of iron rod and also snatched Rs. 1 lakh from the pocket
of son 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 the allegation as alleged in the F.I.R. is false and fabricated. He further submits that the F.I.R. is in two parts; according to part first, there is general and omnibus allegation against all the accused persons who assaulted the informant and according to part second, there is specific allegation against the co-accused person, namely, Md. Jahagir who hit on the head of the son of informant, namely, Nimatullah by means of tengari. He further submits that the injury report of Nimatullah suggests that the injury is grievous in nature and the injury of the informant suggests that the injury is simple in nature caused by hard and blunt substance. He further submits that the date of occurrence is 06.06.2022 but the present F.I.R. was instituted on 15.06.2022 i.e., after delay of 9 days without giving any explanation of the said delay. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused persons, namely, Md. Firoz and Md. Juhi have been granted bail by a Co-ordinate Bench of this Court vide order dated 11.01.2023 passed in Cr. Misc. No. 75128 of 2022. The petitioner is in custody since



08.09.2022.

The learned Additional Public Prosecutor 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 Judicial Magistrate, 1st Class, District- Darbhanga in connection with Kamtaul P.S. Case No. 142 of 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)

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