

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75758 of 2023

Arising Out of PS. Case No.-71 Year-2023 Thana- DARBHANGA SADAR District-
Darbhanga

Md. Danish Son Of Abdul Khalique Resident Of Village - Andhari, Police
Station - Sadar, District - Darbhanga

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Shamimul Hoda, Advocate
For the Opposite Party/s : Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 29-11-2023 Heard Mr. Md. Shamimul Hoda, learned counsel for
the petitioner and Mr. Kalyan Shankar, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Sadar (Bhalpatti O.P.) P.S. Case No. 71 of
2023, F.I.R. dated 30.01.2023 for the offences punishable under
Sections 341, 323, 307, 354(b), 504, 506, 379/34 of the Indian
Penal Code.

3. According to prosecution case, due to some land
disputes all the accused persons including the petitioner have
assaulted the informant due to which he sustained injuries.

4. 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 and the petitioner has not committed any offences as alleged in the F.I.R. and the informant is the step brother of the petitioner. He further submits that from perusal of the F.I.R it appears that due to admitted land disputes between the parties, the present occurrence has taken place. He further submits that the petitioner has assaulted the informant by means of *Tengari* but the injury report of the informant suggest that the injury is simple in nature caused by sharp cutting substance.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 Chief Judicial Magistrate, Darbhanga in connection with Sadar (Bhalpatti O.P.) P.S. Case No. 71 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-



i. 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.

ii. 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.

iii. 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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