

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75619 of 2023

Arising Out of PS. Case No.-160 Year-2022 Thana- AMDABAD District- Katihar

Abu Taleb @ Md.Taleb @MD. Talek Son Of Azahak Resident Of Village-
Jiyamari, P.S- Amdabad, Distt- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh, Advocate

For the Opposite Party/s : Mrs.Suman Kumari Singh,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 29-11-2023 Heard Mr. Sanjeev Kumar Singh, learned counsel for the petitioner, learned counsel for the informant and Mrs.Suman Kumari Singh, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Amdabad P.S.Case No.160 of 2022,FIR dated 24.07.2022 registered for the offences punishable under Sections341,323,324,379,504,506,34 of the IPC.

3. Allegation against the petitioner is that he inflicted injury with sickle on the head of the informant with intention to kill him.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. The allegation as alleged in the FIR is false



and fabricated and the petitioner has not committed any offence as alleged in the FIR. Further submits that the FIR is in two parts. In 1st part, there is general and omnibus allegation against thirteen accused persons including the petitioner and in the 2nd part there is specific allegation against the petitioner that he assaulted to the informant, but the injury report of the informant suggests that although he has received injury but the injury is simple in nature caused by hard and blunt substance.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts, petitioner has clean antecedent and the informant has received simple injury, let the petitioner, above named, in the event of his 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 learned C.J.M., Katihar in connection with Amdabad P.S.Case No.160 of 2022, 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/her absence on two consecutive dates without sufficient reason, his/her 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/her 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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