

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73713 of 2023

Arising Out of PS. Case No.-432 Year-2023 Thana- BARACHATTI District- Gaya

Yunus Ansari @ Md Yunus Son Of Muslim Miyan Resident Of Village -
Manjhauri, P.S. Mohanpur, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-11-2023 Heard Mr.Arvind Kumar Singh, learned counsel for

the petitioner and Mr.Ram Naresh Ray, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Barachatti (Mohanpur) P.S.Case No.432 of 2023, FIR dated 06.05.2023 registered for the offences punishable under Sections 341,323,354(B),324,447,307,504 and 506/34 of IPC.

3. Allegation against the petitioner is that he ordered the co-accused Md. Azad to assault the informant and his daughter then Md. Azad assaulted to the daughter of the informant by means of sword due to which informant's daughter sustained head injury and became unconscious.



4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and 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 and from a bare perusal of the FIR that the petitioner is order-giver and it appears from the FIR that co-accused persons, namely, Md. Irshad, Md. Azad, Baby Khatoon, Jinat Khatoon and Sakina Khatoon have assaulted to the family members of the informant and there is no allegation of any assault or overt-act attributed against the petitioner.

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

6. Considering the aforesaid facts, 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 A.C.J.M.-II, Sherghati, Gaya in connection with Barachatti (Mohanpur) P.S.Case No.432 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/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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