

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73611 of 2023

Arising Out of PS. Case No.-420 Year-2017 Thana- SAUR BAZAR District- Saharsa

Md. Ehteshan @ Md. Azaad @ Azad Son Of Late Md. Mousim @ Late Md. Mohsin Resident Of Village- Lahauna, P.S.- Saurbajar, District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Pd. Singh, Sr. Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-11-2023 Heard Mr. Krishna Pd. Singh, learned senior counsel for the petitioner and Mr. Binod Kumar, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Saurbazar P.S. Case No. 420 of 2017, F.I.R. dated 08.09.2017 for the offences punishable under Sections 307, 379, 341, 323, 324, 504, 506, 147, 148 and 149 of the Indian Penal Code and Section 27 of the Arms Act.

3. According to prosecution case, all the accused persons including the petitioner armed with deadly weapons assaulted the son of the informant. It is further alleged that the co-accused, namely, Md. Margub assaulted him by means of *farsa* due to which he sustained injuries.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R



that the co-accused, namely, Md. Parwej order to shoot the son of the informant and the co-accused, namely, Md. Margub assaulted with *farsa* which hit the left hand of the son of the informant and thereafter, all the accused persons assaulted him. He further submits that there is no specific allegation of any assault or overt act attributed against the petitioner rather there is general and omnibus allegation against all the accused persons including the petitioner and there is specific allegation against the co-accused, Md. Margub who assaulted the son of the informant by means of *farsa*.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner is named in the F.I.R and apart from the aforesaid the petitioner carries two criminal antecedents other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in all the two cases.

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 Judicial Magistrate 1st Class, Saharsa in connection with Saurbazar P.S. Case No. 420 of 2017, 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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