

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75799 of 2023

Arising Out of PS. Case No.-131 Year-2022 Thana- BHAWANIPUR District- Purnia

MD. MOKIM SON OF LATE VASEER RESIDENT OF VILLAGE- ZABE,
P.S.- BHAWANIPUR, DISTRICT- PURNEA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimal Kumar

For the Opposite Party/s : Mr.Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 30-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Bhawanipur P.S. Case No. 131/2022 registered for the offences punishable under Sections 341, 323, 324, 325, 307, 379, 504, 506/34 of the Indian Penal Code.

As per prosecution case, petitioner is alleged to have assaulted the informant's husband with iron rod as a result of which he sustained head injury. It is also alleged that Rajina Khatoon assaulted on the abdomen of the husband of the informant by means of lathi due to which he sustained swelling injury on his abdomen. Co-accused Rajina Khatoon is further alleged to have assaulted the informant's husband by dabia due to which he sustained cut injury on his leg.



Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. It is further submitted that the occurrence took place on 28.05.2022 at about 11:00 AM but FIR has been instituted on 01.06.2022 at 8:30 AM and there is four days delay in lodging the FIR without any plausible explanation . Though, there is allegation of assault by means of iron rod upon the head of the informant's husband against the petitioner but informant's husband sustained simple injury. There is no repetition of blow upon the head of informant's husband. Both petitioner and informant are agnates. Petitioner is in custody since 12.07.2023. Learned counsel has orally submitted that chargesheet has already been submitted and there is no likelihood of tampering with the prosecution evidence. Co-accused Rajina Khatoon has already been granted bail by a co-ordinate bench of this court vide Cr. Misc. No. 29283 of 2023 and case of present petitioner stands more or less on similar footing. Petitioner bears one criminal antecedent in which he is on bail.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case,



period of custody, co-accused has already been granted bail, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate in connection with Bhawanipur P.S. Case No. 131/2022 , subject to the following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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