

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1127 of 2023

Arising Out of PS. Case No.-202 Year-2022 Thana- BIHARIGANJ District- Madhepura

Jiyauddin @ Md. Jiyauddin Son of Late Mukhtar Resident of village -
Hathiondha, P.S.- Bihariganj, District - Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Advocate.

For the Opposite Party/s : Mr. Rana Randhir Singh, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 12-04-2023 Heard Mr. Nafisuzzoha, learned counsel for the
petitioner and Mr. Rana Randhir Singh, learned APP for the
State.

The petitioner seeks regular bail, who is in custody in
connection with Bihariganj P.S. Case No. 202 of 2022,
registered for the offences punishable under Sections 147, 148,
149, 323, 341, 353, 307 and 325 of the Indian Penal Code.

The prosecution case is based on the written report of
the informant alleging therein that in course of scuffle between
two groups, injuries have been sustained to the police personnel.
The allegation has been leveled against 15 named accused
persons and 100 unknown persons, who have been found
indulged in pelting stones and assaulting the members of
opponent sides.

Learned counsel appearing on behalf of the petitioner



submits that from the FIR, it is evident that no specific allegation has been leveled against the petitioner and in fact general and omnibus allegation has been leveled against all the named and unknown accused persons. He further submits that in fact the reason for false implication of the petitioner is his past criminal antecedent as has been mentioned in paragraph 3, however, the petitioner is on bail in all the previous cases. He next submits that now the petitioner is in custody since 30.08.2022 and the investigation of the crime is already complete and the charge-sheet has been submitted.

On the other hand learned APP for the State vehemently opposes the bail application and submits that two of the police personnel have received injuries on account of the stone pelting and the petitioner named in the FIR has carrying three criminal antecedents.

Regard being had to the submissions made on behalf of the parties and considering the fact that general and omnibus nature of allegation and the period of custody, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Udakishunganj at Madhepura, in connection



with Bihariganj P.S. Case No. 202 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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