

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.349 of 2023

Arising Out of PS. Case No.-165 Year-2020 Thana- KADWA District- Katihar

MD. IMTIYAJ @ MD. IMTIYAZ S/o Late Jasiruddin R/v- Kabaiya, P.S.-
Kadwa, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajendra Prasad Sah, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 10-07-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Sessions
Trial No. 464 of 2022 (S.O.S) (CIS 464 of 2022) arising out of
Kadwa P.S. Case No. 165 of 2020 registered for the offence under
Sections 307/34, 341/34, 504/34, of the Indian Penal Code.

The petitioner is alleged to have assaulted the brother
of the informant on his head with spade and the accused persons
took away two lakh rupees from his packet.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case. He further submits that
the allegation, as alleged in the F.I.R., is false and fabricated and
the petitioner has not committed any offence. He further submits



that it appears from the F.I.R. that the F.I.R. is in two parts, in the first part, there is general and omnibus allegation against the petitioner and the in the second part, it is alleged that the petitioner has assaulted the brother of the informant with kudal. He further submits that the injury report suggest that the injury is grievous but there is no allegation of repetition of assault to the victim. There was no intention to kill the brother of the informant. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 20.07.2022.

Learned counsel for the informant as well as learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that there is direct allegation of assault by means of spade against the petitioner and the injury report also suggest that the injury is grievous in nature.

Considering the facts and circumstances of the case and period of custody, let the, above named, petitioner 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 Additional Sessions Judge-II, Katihar in connection with Sessions Trial No. 464 of 2022 (S.O.S) (CIS 464 of 2022) arising out of Kadwa P.S. Case No. 165 of 2020 with the following conditions:-

(1) 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 canceled by the Court below.

(2) 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.

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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