

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7025 of 2024

Arising Out of PS. Case No.-215 Year-2023 Thana- KALYANPUR District- East Champaran

Nurul Hoda S/o Late Abdul Hamid Ansari R/o Vill - Kalyanpur, P.S. -
Kalyanpur, Dist. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dhurendra Kumar, Advocate
For the Opposite Party/s	:	Mr. Pramod Kumar Pandey, APP
For the Informant	:	Mr. Rakesh Kumar No. 1, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-02-2024 Heard Mr. Dhurendra Kumar, learned counsel for the petitioner, Mr. Rakesh Kumar No. 1, learned counsel appearing on behalf of the informant as well as and Mr. Pramod Kumar Pandey, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Kalyanpur P.S. Case No. 215 of 2023, F.I.R. dated 19.06.2023 for the offences punishable under Sections 341, 323, 324, 379, 504, 506, 307/34 of the Indian Penal Code.

3. According to prosecution case, due to land dispute all the accused persons including the petitioner have assaulted the petitioner and his friends by means of iron rod and also took Rs. 20,000/- from the pocket of the informant.



4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the present case is the counter blast of Kalyanpur P.S. Case No. 214 of 2023 and due to the admitted land dispute, the present occurrence took place. He further submits that as per the F.I.R the petitioner has assaulted to the informant by means of iron rod but the injury report of the informant suggests that the injury is 1"× 1/12" × Deep Skin in frontal head and lacerated wound on right thumb. He further submits that the petitioner also received injury in the present case.

5. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner.

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 Chief Judicial Magistrate, Motihari, East Champaran in connection with Kalyanpur P.S. Case No. 215 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 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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