

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12453 of 2024

Arising Out of PS. Case No.-85 Year-2023 Thana- BIHRA District- Saharsa

Md. Gafar @ Md. Gaffar Son f Md. Allauddin Resident of Village- Aran P.S.-
Bihra, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amarnath Jha, Advocate

For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-02-2024 Heard Mr. Amarnath Jha, learned counsel for the

petitioner and Mr. Shyam Bihari Singh, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Bihra P.S. Case No. 85 of 2023, F.I.R. dated 10.05.2023 for the offences punishable under Sections 341, 323, 324, 307, 354(B), 504, 506 and 34 of the Indian Penal Code.

3. According to prosecution case, petitioner is said to have scratched the body of the Maimul Khatun.

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 the allegation as alleged is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. He further submits that the



specific allegation of assault is attributed against the co-accused person, namely, Allauddin. He further submits that although as per the allegation against the petitioner that he has scratched the body of the Maimul Khatun but there is no injury report available on the record to suggest that Maimul Khatun has received any injury. He further submits that from a bare perusal of the FIR it appears that the date of occurrence as alleged in the FIR is 07.05.2023 and the present F.I.R. instituted on 10.05.2023 after a delay of three days without any explanation of delay.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one.

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 Bihra P.S. Case No. 85 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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