

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14539 of 2024

Arising Out of PS. Case No.-229 Year-2021 Thana- WAJIRGANJ District- Gaya

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MD. KALAM @ ABDUL KALAM S/O MD. SALAUDDIN KHAN R/O
VILLAGE- BHALUYAHI, P.S- WAZIRGANJ, DISTT.- GAYA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sheikh Arkan Ahmad, Advocate

For the Opposite Party/s : Mr. Madhura Nand Jha, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 12-03-2024 Heard Mr. Sheikh Arkan Ahmad, learned counsel

for the petitioner and Mr. Madhura Nand Jha, learned APP for

the State.

2. The petitioner is apprehending his arrest connection with Wazirganj P.S. Case No. 229 of 2021, F.I.R. dated 28.05.2021 registered for the offences punishable under Sections 341, 323, 307, 379, 342, 504, 506, 34 of the Indian Penal Code.

3. Allegation against the petitioner is that he along with other co-accused kidnapped the informant on the gun point and thereafter brutally assaulted him.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case due to admitted land dispute between the parties.



He further submits that as per allegation in the F.I.R. the petitioner has assaulted the informant namely Dastgir Khan and although Dastgir Khan who is informant of the present case has received eight injuries but all the injuries are simple in nature caused by hard and blunt substance.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner and submits that there is direct and specific allegation that he assaulted the informant and apart from that the petitioner carries two more cases other than the present one.

6. Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 1st, Gaya in connection with Wazirganj P.S. Case No. 229 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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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