

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16247 of 2024

Arising Out of PS. Case No.-221 Year-2023 Thana- POTHIA District- Kishanganj

Mohammed Zulfakar @ Zulfekar SON OF MOHAMMED MAHIBOOB
RESIDENT OF VILLAGE- GUABARI NABENADI, POTHIA, DISTT-
KISHANGANJ

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abdul Mannan Khan, Advocate
Mr. Hafiz Shahbaz Aarif, Advocate
For the Opposite Party/s : Mrs.Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 14-03-2024 Heard the parties.

2. The petitioner is apprehending arrest in connection with Pothia P.S. Case No. 221 of 2023 instituted under Sections 341, 323, 325, 307, 379, 504, 506 of the Indian Penal Code lodged on 28.10.2023 by the informant, Md. Ajijur Rahman.

3. As per the prosecution story, the informant alleged that the petitioner went to his shop and asked vegetables on credit, upon refusal, altercation took place, the matter was calmed down. Later, when he reached home, he was assaulted on head by the petitioner causing injury. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that he do not have criminal antecedent, there is complaint case also



relating to the same matter, injuries have been found to be simple in nature which is part of the present petition.

5. Learned APP opposes the prayer stating that the allegation of hitting is on this petitioner.

6. Considering the submissions made, he do not have criminal antecedent, injuries have been found to be simple in nature, FIR lodged, will be facing the trial, this Court is inclined to extend him privilege of anticipatory bail.

7. Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Pothia P.S. Case No. 221 of 2023 to the satisfaction of learned Chief Judicial Magistrate, Kishanganj subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his



bail bond by the Trial Court itself;

(iii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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