

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16865 of 2024

Arising Out of PS. Case No.-68 Year-2023 Thana- MAHISHI District- Saharsa

Md. Salauddin son of Late Noor Mohammad village- Araghat W.No-9, Ps-
Mahishi Dist- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-04-2024 Heard Mr. Chandra Mohan Jha, learned counsel for
the petitioner and Mr. Jitendra Kumar Singh, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Mahishi P.S. Case No. 68 of 2023, F.I.R. dated 30.08.2023 for the offences punishable under Sections 147, 435, 436, 504 and 506 of the Indian Penal Code.

3. According to prosecution case, all the accused persons including the petitioner have burn the house of the informant while he along with his family were sleeping inside the house.

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 petitioner and the



informant are own brothers and there is admitted land disputes going on between the parties vide Title Suit No. 805 of 2022 pending before the competent Court of law for declaration of his title on the said land which is purchased by the petitioner. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. He further submits that from perusal of the F.I.R it appears that after the incident the petitioner was present at the place of occurrence.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries two criminal antecedents 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 Sub Divisional Judicial Magistrate, Saharsa in connection with Mahishi P.S. Case No. 68 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)

Vanisha/-

U		T	
---	--	---	--

