

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20892 of 2024

Arising Out of PS. Case No.-41 Year-2023 Thana- BARAULI District- Gopalganj

Wasim Akram Son of Md. Yunus R/o Village - Balahan, P.S.- Barauli, District
- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-04-2024 Heard Mr. Dharmveer Jha, learned counsel for the
petitioner and Mr. Md. Mushtaque Alam, learned APP for the
State.

2. The petitioner is apprehending his arrest
connection with Barouli P.S. Case No. 41 of 2023, F.I.R. dated
23.01.2023 registered for the offences punishable under Sections
341, 323, 324, 379, 504, 307/34 of the Indian Penal Code.

3. Allegation against the petitioner is that he assaulted
the brother-in-law of the informant with *kudal* in his leg due to
which he sustained injury.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in the
present case. He further submits that the informant is own aunt
of the petitioner and due to admitted land dispute the present



occurrence had taken place and there is exchequer litigation between the parties and it appears from the F.I.R. the allegation against the petitioner is that he assaulted to one Wazir Alam who is brother-in-law of the informant and although he has received injury but the injury report of the brother-in-law of the informant suggests that the injury is grievous in nature which is not on the vital part of the body of the injured person.

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 brother-in-law of the informant and apart from that the petitioner carries one more case other than the present one but fairly submits on the basis of paragraph-3 of the bail petition that the petitioner is on bail in the pending matter.

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 Judicial Magistrate 1st Class, Gopalganj in connection with Barouli P.S. Case No. 41 of 2023, 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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