

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23127 of 2024

Arising Out of PS. Case No.-4 Year-2024 Thana- KHAIRA District- Jamui

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Sagir Ansari @ Sagir Miya S/O Rasuli Miya R/O Village- Jhundo, P.S-
Khaira, Distt.- Jamui. Petitioner/s

Versus

The State Of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Niranjana Parihar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-04-2024 Heard Mr. Niranjana Parihar, learned counsel for the

petitioner and Mr. Yogendra Kumar, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Khaira P.S. Case No. 04 of 2024, F.I.R. dated 03.01.2024 for the offences punishable under Sections 341, 323, 307, 504/34 of the Indian Penal Code.

3. According to prosecution case, all the accused persons including this petitioner have assaulted the informant and his brother by means of lathi and danda due to the brother of the informant sustained injury. It is further alleged that this petitioner gave sword blow over the head of the brother of the informant.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that as per the



F.I.R the petitioner has assaulted the brother of the informant due to which he sustained injury but the injury report of the brother of the informant does not support the allegation as alleged in the F.I.R. He further submits that the injury report of the injured person suggests that the injury is simple in nature caused by hard and blunt substance. He further submits that the co-accused, namely, Jabbar Miya, Kalim Miya, Mokim, Miya, Salauddin Miya and Samsad Miya have been granted bail vide order dated 08.02.2024 passed in Anticipatory Bail Petition No. 103 of 2024 by the learned Additional Sessions Judge-V, Jamui.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent, injury report of the injured person suggests that the injury is simple in nature and other accused persons have been granted bail by the learned Court below itself, 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 Chief Judicial Magistrate, Jamui in connection with



Khaira P.S. Case No. 04 of 2024, 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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