

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24977 of 2024

Arising Out of PS. Case No.-151 Year-2023 Thana- BISFI District- Madhubani

Md. Rahmatullah @ Rahmatullah Son of Late Badrul Hoda Resident of
Village- Damla, Police Station- Bisfi (Patauna), District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha, Advocate

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 01-05-2024 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Bisfi (Patauna) P.S. Case No. 151 of 2023 for the offence under Sections 341, 323, 324, 379, 504 and 34 of the I.P.C. lodged on 03.05.2023 by the informant, Iftexharun Nabi Ahmad Madani.

3. As per the prosecution story, the informant alleged that when he alongwith his brother was present at their door, the petitioner alongwith other accused persons armed variously came and on the order of this petitioner allegation is that one Babul gave hockey blow on the nose causing injury as also the informant eyes were also injured and he was shifted to Bisfi Hospital which followed the FIR.

4. Learned counsel for the petitioner submits that a



bare perusal of the FIR would show that a role of order giver has been assigned to him only to implicate him, he is an aged person and have no criminal antecedent and the main allegation is against Babul of assaulting the informant by hockey.

5. Learned APP opposes the prayer.

6. Taking into account the aforesaid fact that the main allegation is against Babul of assaulting the injured, this petitioner do not have criminal antecedent, is an aged person, FIR lodged and will be facing the trial, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned ACJM, Benipatti, District- Madhubani in connection with Bisfi (Patauna) P.S. Case No. 151 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

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

(iv) 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;

(v) 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)

Adnan/-

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