

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28135 of 2024

Arising Out of PS. Case No.-99 Year-2023 Thana- HIRAMMA P.S. District- Sheohar

Md. Jumman @ Md. Jumman Miya Son Of Ismail Mian Resident Of Village-
Hirauta, Ps- Hiramma, Dist- Sheohar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md Ansiur Rahman, Advocate

For the Opposite Party/s : Mrs.Anita Kumari,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-05-2024 Heard Mr.Md Ansiur Rahman, learned counsel for the

petitioner and Mrs.Anita Kumari, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Hiramma P.S.Case No.99 of 2023, FIR dated
22.11.2023 registered for the offences punishable under
Sections 341,323,324,325,307,379,427,504,506/34 of the Indian
Penal Code.

3. Specific allegation against co-accused person,
namely, Shah Mohammad, who happens to be the son of the
petitioner, is that he assaulted to the informant by means of
sword causing injury in his little finger of left hand and he also
assaulted to the father and brother of the informant on their



head. Co-accused person, namely, Tufani has assaulted to the brother of the informant by knife causing injury below his right eye.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. Further submits that from a bare perusal of the FIR it appears that there is no accusation of any assault or overt-act is attributed against the petitioner rather there is specific allegation of assault against co-accused person, namely, Shah Mohammad, who happens to be the son of the petitioner, and there is case and counter case.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner and submits that the petitioner is named in the FIR and he was participated in the crime in question and apart from that, the petitioner carries one more case other than the present one but fairly submits that the petitioner is on bail in the said case, as mentioned in para-3 of the anticipatory bail petition.

6. Considering the aforesaid facts and there is no specific allegation of any assault or overt-act is attributed



against the petitioner, 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 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Sheohar in connection with Hiramma P.S.Case No.99 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/her absence on two consecutive dates without sufficient reason, his/her 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/her 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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