

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27617 of 2024

Arising Out of PS. Case No.-301 Year-2023 Thana- BARSOI District- Katihar

Md. Munip @ M. D. Munib S/o- Late Md. Jamal @ Jamaluddin, R/o Vill-
Leharkota, P.S.- Barsoi (Sudhani O.P.), Dist. Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Qumrul Hoda, Advocate

For the Opposite Party/s : Mr. Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-05-2024 Heard Mr. Md. Qumrul Hoda, the learned counsel for
the petitioner and Mr. Md. Shakir Ahmad, the learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Barsoi (Sudhani O.P.) PS Case No. 301 of 2023,
FIR dated 20.09.2023, registered for the offences punishable under
Sections 448, 341, 323, 325, 307, 354 and 504 read with Section
34 of the Indian Penal Code.

3. According to the prosecution case, the petitioner was
verbally abusing the informant and when the informant's daughter
namely, Sania Khatoon protested, the petitioner with ill intention
outraged her modesty. It is further alleged that other persons also
arrived at the alleged place and assaulted the informant and her
daughters due to which they sustained injury.



4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case and the allegation levelled in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. He further submits that the allegation of molesting against the petitioner is totally false and although the informant's side has received injury, but the injury report of the informant's side suggests that injury is simple in nature and there is no specific allegation against the petitioner.

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

6. Considering the aforesaid facts and circumstances and the fact that petitioner has clean antecedent, there is no specific allegation against the petitioner and injury report of the informant's side suggests that injury is simple in nature, let the petitioner, above-named, in the event of his arrest or surrender before the trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory 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 Additional Chief Judicial Magistrate-I, Katihar/Competent Jurisdiction, where the case is pending in connection with **Barsoi**



(Sudhani O.P.) PS Case No. 301 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial Court and shall remain physically present as directed by the trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the trial Court.

(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 trial Court 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 trial Court 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)

Shahnawaz/-

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

