

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31480 of 2024

Arising Out of PS. Case No.-66 Year-2024 Thana- ARARIA District- Araria

Md. Arif @ Arif Son of late Md. Yunus @ Yunus Resident of Village- Gaiyari
ward no. 09, P.S.- Araria, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Ziaul Quamar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 21-05-2024 Heard Ld. counsel for the petitioner and Ld. APP for
the State.

2. The petitioner seeks bail, apprehending his arrest,
in connection with Araria P.S. Case No. 66 of 2024, registered
for the offences punishable under Sections 447, 341, 323, 307,
324, 354, 504, 506 and 34 of the Indian Penal Code.

3. The prosecution case as emerges from the FIR is
that there is allegation of assault by means of farsa against the
Petitioner due to which the Informant sustained head injury.
When the nephew of the Informant came to his rescue, the
accused-persons also assaulted him with iron rod and knife.

4. Ld. counsel for the petitioner submits that the
Petitioner is innocent and has falsely been implicated in this
case. He further submits that in regard to the alleged occurrence,



counter case bearing Araria P.S. Case No. 69 of 2024 dated 27.01.2024 has also been registered for the offence punishable under Sections 447, 341, 323, 307, 324, 354, 504, 506 and 34 of the Indian Penal Code against the Informant side. He further submits that there was free fight between the parties and both the sides sustained injuries and they are family members.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated paragraph no.3 of the bail petition that the petitioner has no criminal antecedents.

7. However, Ld. APP for the State opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, petition is allowed, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Chief Judicial Magistrate, Araria in connection with Araria P.S. Case No. 66 of 2024, subject to the conditions as laid down under



Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J)

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