

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34723 of 2024

Arising Out of PS. Case No.-72 Year-2024 Thana- SAHARSA SADAR District- Saharsa

Abdul Karim @ Md. Abul Karim S/o- Md. Kudrat Ali Village- Kahra W.No-
24/42, Ps- Saharsa Dist- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Pushpendra Kumar Singh, Advocate
For the Opposite Party/s :	Md. Fahimuddin, APP
For the Informant :	Mr. Binod Kumar Sinha, Advocate
	Mr. Ashok Kumar, Advocate

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 05-07-2024 Heard learned counsel for the petitioner, learned
counsel for the informant, learned APP for the State and perused
the case diary.

2. The petitioner seeks bail in Saharsa Sadar P.S. Case
No. 72 of 2024, instituted for the offences punishable under
Sections 341, 323, 324, 326, 307, 379, 384, 386, 504, 506 & 34
of the Indian Penal Code.

3. The prosecution case, in short, is that, co-accused
persons including the petitioner have assaulted the informant by
various means, due to which he sustained injury. It is also
alleged that they have taken away Rs. 20,000/- from his pocket
and it is alleged that the petitioner has assaulted the friend of



informant Rupesh Mehta by means of knife.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner also submits that the petitioner was not present at the place of occurrence as has been mentioned in paragraph 46 of the case diary. The injury caused to Rupesh Mehta is grievous in nature. The petitioner is in custody since 24.04.2024 and has got one criminal antecedent in which the petitioner is on bail. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted bail by this Court vide order dated 20.05.2024 passed in Cr. Misc. No. 35601 of 2024.

5. Learned APP for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, taking into account the period of custody undergone by the petitioner and claim based on parity, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing



bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Saharsa Sadar P.S. Case No. 72 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(III) 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.

(Rudra Prakash Mishra, J)

Rajorshi/-

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