

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36457 of 2024

Arising Out of PS. Case No.-700 Year-2022 Thana- MOTIHARI TOWN District- East
Champaran

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Md. Asraf @ Md. Asaraf S/o Late Md. Jaan @ Md. Jan @ Md. Jan Khan @
Late Md. Jaan Khan @ Jaan Khan, R/O Village- Minabajar Chikpatti, P.S.-
Town, Dist.- East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance:

For the Petitioner : Mr. Karandeep Kumar, Advocate
For the Opposite Party : Mr. Uma Shankar Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 2 21-06-2024 Heard Mr. Karandeep Kumar, the learned counsel

for the petitioner and Mr. Uma Shankar Prasad Singh, the

learned Additional Public Prosecutor for the State.
2. Petitioner seeks regular bail who is in custody since

20.09.2022 in connection with Motihari Town P.S. Case No. 700

of 2022, FIR dated 19.09.2022, registered for the offences

punishable under Sections 341, 323, 324, 307, 342, 379, 504

and 506 read with Section 34 of the Indian Penal Code.
3. According to the prosecution case, the accused

person namely, Zishan @ Munne along with other co-accused

persons assaulted the informant's brother by means of knife due

to which he fell down. It is further alleged that the one co-

accused person namely, Nasruddin snatched the golden chain of



informant's brother.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case due to petty dispute between the parties and upon perusal of the FIR it appears that there is no specific allegation of any assault or overt act, rather there is general and omnibus allegation against all the accused person including the petitioner. He further submits that the police after investigation has submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 20.09.2022.

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 of any assault or overt act against the petitioner and his period of custody, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran at Motihari, in connection with



Motihari Town P.S. Case No. 700 of 2022, subject to the following conditions:

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

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