

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34422 of 2023

Arising Out of PS. Case No.-717 Year-2022 Thana- BAHERA District- Darbhanga

Md. Haidar Ali Khan @ Haidar Ali Khan son of Late Kalim Khan Village-
Ashapur Ps- Bahera, Dist- Darbhanga Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Radha Mohan Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 07-03-2024 Heard Mr. Radha Mohan Singh, learned counsel for

the petitioner and Mr. Shyam Kumar Singh, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Bahera P.S. Case No. 717 of 2022, F.I.R. dated 02.12.2022 for the offences punishable under Sections 147, 148, 341, 323, 307 and 379 of the Indian Penal Code.

3. According to prosecution case, all the accused persons including the petitioner have assaulted the brother-in-law of the informant, namely, Ravi Bhushan due to which he sustained injuries. It is further alleged that they snatched mobile phone and watch from the son of the informant and gold chain from the neck of the informant.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that due to admitted land



disputes between the parties the present occurrence took place. He further submits that as per the F.I.R, the petitioner has assaulted on the head of Ravi Bhushan by means of iron rod and he again assaulted him on his hand due to which he sustained injuries. He further submits that the injury report of Ravi Bhushan suggests that the injuries are simple in nature caused by hard and blunt substance. He further submits that there is case and counter case between the parties.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that there is specific allegation against the petitioner that he has assaulted to one Ravi Bhushan and apart from that the petitioner carries one criminal antecedent other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner has granted the benefit under Section 41 of Cr.P.C. by the Investigating Officer.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of 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 the learned



Additional Chief Judicial Magistrate I, Benipur at Darbhanga in connection with Bahera P.S. Case No. 717 of 2022, 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 absence on two consecutive dates without sufficient reason, his 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 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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