

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38037 of 2024

Arising Out of PS. Case No.-160 Year-2023 Thana- GORIAKOTHI District- Siwan

1. Md. Shamshad @ M.D. Samshad @ Shamshad Son of Mohammad Nasir R/O Vill.- Dudhara, P.S.- Goriyakothi, Dist.- Siwan. At Present R/O Siswan Dhala, Laxminagar, P.S.- Siwan Town, Dist.- Siwan
2. Shahzad Alam @ Sahjad Alam @ Sajad Son of Mohammad Nasir R/O Vill.- Dudhara, P.S.- Goriyakothi, Dist.- Siwan. At Present R/O Siswan Dhala, Laxminagar, P.S.- Siwan Town, Dist.- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Javed Aslam, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 26-06-2024 Heard Mr. Javed Aslam, learned counsel for the petitioners and Mr. Brajendra Nath Pandey, learned Additional Public Prosecutor for the State.

2. Learned counsel for the petitioners seeks permission to withdraw this application with respect to petitioner no. 2, namely, Shahzad Alam @ Sahjad Alam @ Sajad.

3. Permission is accorded.

4. Accordingly, this application stands dismissed as withdrawn with respect to petitioner no. 2.

5. The petitioner no. 1 is apprehending his arrest in connection with Goriyakothi P.S. Case No. 160 of 2023, F.I.R. dated 30.05.2023 for the offences punishable under Sections 341, 323, 307, 379/34 of the Indian Penal Code.

6. According to prosecution case, all the accused



persons including this petitioner have assaulted the informant. It is further alleged that the co-accused, namely, Shahzad Alam gave rod blow on the informant's head causing him injury.

7. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that as per the allegation the petitioner has assaulted the informant by means of lathi on his head which causes injury on his hand. He further submits that although the injury report of the informant suggest that the injury is grievous in nature but the same was inflicted due to the assault by the co-accused, namely, Shahzad Alam.

8. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

9. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent and he has assaulted the informant on his hand, let the petitioner no. 1, 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 Judicial Magistrate 1st Class, Siwan in connection with Goriyakothi P.S. Case No. 160 of 2023, 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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