

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38450 of 2024

Arising Out of PS. Case No.-588 Year-2023 Thana- PALIGANJ District- Patna

Md. Mokim Ahmad @ Mokim Ansari @ Mokim Ahmad S/O Hasanu Ansari
@ Hussain Ansari Resident Of Village Chhitar Bigha, P.S.- Paliganj, Dist-
Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramakant Singh, Advocate
For the State : Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 09-08-2024 Heard Ld. counsel for the Petitioner and Ld. APP for
the State.

2. The Petitioner seeks anticipatory bail, apprehending his arrest, in connection with Paliganj P.S. Case No.588 of 2023, dated 11.11.2023 registered for the offence punishable under Sections 341, 323, 325, 307, 379, 504 and 506/34 of the Indian Penal Code.

3. The prosecution case as emerging from the FIR is that there is allegation of assault to the informant by means of a *gada* and sword against the accused persons.

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 fact, the occurrence had taken



place in regard to partition of the family property in which there was free fight between two sides and both the sides received injury and both sides have lodged criminal cases. He also submits that the Petitioner side has also lodged Paliganj P.S. Case No. 599 of 2023 dated 18.11.2023 under Sections 341, 323, 325, 307, 379, 504 and 506/34 of the IPC. He further submits that other co-accused persons have already been enlarged on bail by this Court vide order dated 23.05.2024 passed in Cr. Misc. Case No. 33727 of 2024.

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. Ld. APP for the State opposes the prayer of the Petitioner for anticipatory bail.

8. Considering the aforesaid facts and circumstances, particularly case and counter case and both sides having received injury, **this 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. S.D.J.M., Danapur, Patna in connection with Paliganj P.S. Case No.588 of 2023 , 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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