

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41102 of 2024

Arising Out of PS. Case No.-146 Year-2023 Thana- PRANPUR District- Katihar

Md. Najbul son of Md. Kopiya Village- Dhabaul, P.S- Pranpur, Dist- Katihar

... .. Petitioner/s

Versus

1. The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Md Musowir
		Mr. Saroj Kumar, Advocates
For the Opposite Party/s	:	Mr. Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-07-2024 Heard Mr. Md. Musowir, learned counsel for the

petitioner and Mr. Uday Chand Prasad, learned APP for the

State.

2. The petitioner is apprehending his arrest
connection with Pranpur P.S. Case No. 146 of 2023, F.I.R. dated
17.07.2023 registered for the offences punishable under
Sections 341, 323, 326, 307, 427, 504, 34 of the Indian Penal
Code.

3. Allegation against the petitioner is that he hit on
the head of the informant with sickle with an intention to kill the
informant.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in the



present case and the present case is counter blast of Pranpur P.S. Case No. 145 of 2023. He further submits that from perusal of the F.I.R. it appears that F.I.R. is in two parts, in first part, there is general and omnibus allegation against all the accused persons including the petitioner and in second part, there is specific allegation against the petitioner is that he assaulted to one Md. Mahboob and although Md. Mahboob received injury but the injury report of Md. Mahboob suggests that the injury is simple in nature.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case and the fact that the petitioner having clean antecedent and the injury inflicted upon the injured person is simple in nature as well as there is case and counter case between the parties, let the petitioner, above named, in the event of his 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Katihar in connection with Pranpur P.S. Case No. 146 of 2023, subject to the conditions as



laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) 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.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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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