

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52785 of 2024

Arising Out of PS. Case No.-167 Year-2022 Thana- GAYA MUFASIL District- Gaya

Md. Kalim S/O Khaisudeen @ Md. Khairuddin R/O Village- Bhadeja, P.S-
Muffasil, Dist.- Gaya (BIHAR).

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shivendra Prasad, Advocate
For the State	:	Ms. Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 28-11-2024 Heard Mr. Shivendra Prasad, learned counsel for
the petitioner and Ms. Rina Sinha, learned Additional Public
Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Muffasil P.S. Case No. 167 of 2022, F.I.R.
dated 15.03.2022 for the offences punishable under Sections
147, 148, 149, 323, 307, 379, 427 and 504 of the Indian Penal
Code.

3. According to prosecution case, all the accused
persons including the petitioner are said to have assaulted to the
informant and his wife. It is alleged that the accused persons
damaged the house hold articles 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 from a bare perusal of the



FIR it appears that the petitioner is not named in the FIR and there is no specific allegation of any assault or overt act rather specific allegation of assault is attributed against co-accused persons. He further submits that the petitioner has been made accused in the present case merely on the ground that he is father of the co-accused person, namely, Md. Altaf.

5. Learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that petitioner has assaulted to the informant and apart from that the petitioner carries two more cases other than the present one but fairly submits on the basis of the para-3 of the bail application that the petitioner is on bail in the pending matters.

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 Chief Judicial Magistrate, Gaya in connection with Muffasil P.S. Case No. 167 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)

ajay/-

U		T	
---	--	---	--

