

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 53313 of 2024

Arising Out of PS. Case No.-54 Year-2024 Thana- BAHERA District- Darbhanga

Md. Habibur Rahman @ Habibul Rahman Son Of Late Md. Yunus Village-
Navtolia, P.S.,- Bahera, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Binod Murari Mishra, Adv.
For the State	:	Mr. Mithlesh Kumar Khare, APP
For the Informant	:	Mr. Nilendu Kumar Choudhary, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 25-09-2024 Heard Mr. Binod Murari Mishra, learned Advocate for the petitioner and Mr. Mithlesh Kumar Khare, learned Additional Public Prosecutor for the State. The informant appears through Mr. Nilendu Kumar Choudhary, learned Advocate.

2. This is an application for grant of bail to the petitioner, who is in custody in connection with Bahera P.S. Case No. 54 of 2024, registered for the offences punishable under Sections 341, 323, 324, 307, 379, 504, 506, 34 of the Indian Penal Code.

3. The allegation against the petitioner is of causing assault with other persons; and further it is specifically alleged that on the exhortation made by this petitioner his son Md. Nabil gave *farsa* blow to the informant due to which he sustained grievous injury over his head.

4. Learned Advocate for the petitioner contended that the petitioner is none else but the uncle of the informant and due to admitted land dispute both the parties have entered into a free



fight which resulted into injury to the persons of both the sides. From the narrations made in the FIR it is evident that the grievous injury sustained to the informant is specifically attributed to Md. Nabil; so far as the petitioner is concerned, save and except the allegation of exhortation, there is no material. The petitioner has been incarcerated since 10.06.2024. The investigation of the crime is complete and the petitioner undertakes that he will fully cooperate in the proceeding of the court.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner has played active role and in fact on his exhortation, the entire crime has taken place.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of the allegation and the period of custody, apart from completion of the investigation, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Darbhanga in connection with Bahera P.S. Case No. 54 of 2024, subject to the condition that one of the bailors shall be the own/close family



members of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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