

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52752 of 2024

Arising Out of PS. Case No.-47 Year-2024 Thana- TARABARI District- Araria

Nazir Ansari Son of Late Kalim @ Late Kalimuddin Ansari Resident of
village - Palasi Kishmat Khawaspur Momin Tola Ward No.- 14, Police Station
- Tarabari, District - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Advocate

For the Opposite Party/s : Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-08-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Tarabari P.S. Case No. 47 of 2024, F.I.R. dated 12.04.2024 for the offences punishable under Sections 307, 341, 323, 447, 379, 504, 506 and 34 of the Indian Penal Code.

3. According to prosecution case, while the uncle of the informant was fencing his land, the accused persons started abusing him and the petitioner assaulted with farsa causing injury on the head of the informant. Nazim Ansari assaulted with lathi causing injury on right hand. Imteyaz Ansari picked up Rs. 10,000 from the pocket of the informant and all the accused persons given threatening to the informant of killing



entire family.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and is innocent and he has falsely been implicated in the present case. There is admitted land dispute. The allegation of assault is false and fabricated and the petitioner has not committed any offence. The injury sustained by the injured is simple in nature. There is delay of seven days in lodging of the FIR without any cogent reason.

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

6. Considering the aforesaid facts and circumstances of the case and considering that the petitioner has clean antecedent, 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 bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Araria in connection with Tarabari P.S. Case No. 47 of 2024, 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 tamper 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 bonds 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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