

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53906 of 2024

Arising Out of PS. Case No.-8 Year-2024 Thana- Kachna District- Katihar

1. Md. Kalua @ Md. Kalu, aged 40 years, Male,
2. Md. Israil, aged 35 years, Male, both are sons of Md. Javed Village-
Jokalbari, Ps- Kachna, Dist- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate
For the Opposite Party/s : Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 28-08-2024 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. Learned counsel for the petitioners submits that
petitioner no.1, Md. Kalua @ Md. Kalu, has been arrested
during pendency of this application and seeks permission to
withdraw this application in for as it relates to petitioner no.1.

3. In such view of the matter, this application is
dismissed as withdrawn in so far as it relates to petitioner no.1
(Md. Kalua @ Md. Kalu).

4. The petitioner no.2 apprehends arrest in connection
with Kachna PS Case No.08 of 2024 dated 26.03.2024,
instituted under Sections 341, 323, 325, 385, 287, 504, 506/34
of the Indian Penal Code.

5. The allegation against the petitioner no.2 is that he



caught the neck of the informant and dragged him on the ground due to which he sustained injury. There is also allegation of demanding *rangdari*. It is also alleged that during *panchyati* all the accused persons started assaulting the brother of the informant.

6. Learned counsel for the petitioner submits that the petitioner no. 2 is innocent and has been falsely implicated in this case. It is further submitted that the injury report of the informant is annexed as Annexure-2 from which it is clear that the informant has sustained simple injury. Except the allegation of dragging the informant on the ground by holding his neck, there is no specific overt act alleged against the petitioner no.2. Lastly, it is submitted that two criminal cases are pending against the petitioner no.2.

7. Learned APP has opposed the prayer for bail.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner no.2 (Md. Israil) be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Katihar, in



Kachna PS Case No.08 of 2024, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973, and further (i) that the petitioner no.2 shall co-operate in the trial and shall be properly represented on each and every date fixed 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) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner no.2 is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv) that if the petitioner no.2 tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

9. The application stands disposed of.

(Khatim Reza, J)

J. Alam/-

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