

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57596 of 2024

Arising Out of PS. Case No.-254 Year-2024 Thana- MAHUA District- Vaishali

Md. Anwar, Son of Mohammad Husain Khalifa @ Md. Ahmad Hussain, R/O
Vill.- Hasanpur Osti, P.O. and P.S.- Mahua, Dist.- Vaishali, Bihar.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Mossarat Khatoon, Wife of Babloo, R/O Ward no.6, Vill.- Hasanpur Osti,
P.O. and P.S.- Mahua, Dist.- Vaishali.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Umesh Kumar, Advocate Mr. Shubhakar Raj, Advocate Mr. Abhishek Anand, Advocate
For the Opposite Party/s :		Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 26-10-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In this present case, the petitioner seeks bail in connection with Mahua P.S. Case No. 254 of 2024, registered on 26.04.2024 for the offences under Sections 452, 341, 324, 307 and 354(D)/34 of the Indian Penal Code.

3. As per prosecution case, unknown miscreants entered into the house of the informant in the night and cut the nose of her minor daughter. The informant has also stated that a day prior to the occurrence four unknown persons were making video of her daughter and they threatened her when she forbade them from doing so.

4. Learned counsel appearing on behalf of the



petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The name of the petitioner came up in this case merely on suspicion without any cogent material. Thereafter, the victim named the petitioner when her statement was being recorded under Section 164 Cr.P.C. but it is an afterthought as the petitioner also stays near the house of the informant and if he were involved, the informant and her daughter would have named the petitioner at first instance. The petitioner is an auto rikshaw driver and he was the person who took the victim to the hospital. Petitioner is in custody since 27.04.2024 and charge-sheet has been submitted. Petitioner is having clean antecedent.

5. Learned A.P.P. opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the lack of material to connect the petitioner with the offence as alleged and also considering the period of custody of the petitioner coupled with his clean antecedent and submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like



amount each to the satisfaction of learned J.M. 1st Class, Hajipur (Vaishali)/concerned court in connection with Mahua P.S. Case No. 254 of 2024, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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