

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64984 of 2024

Arising Out of PS. Case No.-63 Year-2024 Thana- BISHUNPUR CHOWK District-
Darbhanga

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Md. Saif Son of Md. Mahmood @ Guddu Dakia Resident of Village-
Bishanpur, P.S.- Bishanpur, Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Saurav Anand, Advocate

For the Opposite Party/s : Mr.Syed Mojibur Rahman, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 03-10-2024 Heard the parties.

2. The petitioner is apprehending arrest in connection with Bishanpur P.S. Case No. 63 of 2024 instituted under Sections 341, 323 and 308/34 of the Indian Penal Code lodged on 06.06.2024 by the informant, Md. Sarferaz.

3. As per the prosecution story, the informant alleged that in the evening, he went to mango orchard and found the accused persons consuming liquor. When this was objected by him, the accused-petitioner assaulted and caused injury on his neck by the knife. He was shifted to Darbhanga Medical College and Hospital. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that he



do not have criminal antecedent and further there is delay of five days in lodging of the FIR. Further, irrespective of the outcome of the present case and/or accepting the allegation, the petitioner intends to contribute Rs.5000/- to the informant through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of the concerned Court to be handed over to the informant after checking the credential.

5. Learned APP opposes the prayer submitting that the vital organ of the body was attacked and it is sheer luck of the informant that he saved himself.

6. Though the allegation is there, he do not have criminal antecedent, will be facing the trial and the injury has been found to be simple in nature, this Court is inclined to extend him the privilege of anticipatory bail subject to payment of Rs.5000/- as undertaken by the learned counsel for the petitioner(s) to be paid by Demand Draft of local SBI to be submitted to the trial Court and handed over to the informant after checking credentials.

7. Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing



bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Bishanpur P.S. Case No. 63 of 2024 to the satisfaction of learned A.C.J.M., Darbhanga subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any



criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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