

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64608 of 2024

Arising Out of PS. Case No.-23 Year-2024 Thana- Bajitpur District- Darbhanga

Md. Soaib @ Md. Shoaib, Son of Late Md. Zehuriddin, R/o Village - Belahi,
P.S.- Wajitpur, Dist.- Darbhanga (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajkumar Rajesh, Advocate
Mr. Jeet Kishore Mehto, Advocate
For the Opposite Party/s : Mr. Satendra Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-10-2024 Heard learned Advocate appearing on behalf of the petitioner and the learned Additional Public Prosecutor for the State. The learned Advocate for the informant is also present.

2. The application for grant of bail to the petitioner who is in custody in connection with Bajitpur P.S. Case No. 23 of 2024 registered for the offence punishable under Sections 341, 323, 324, 308, 354, 379, 504 and 34 of the Indian Penal Code.

3. Based upon the *fard beyan*, the informant alleges that while he alongwith her family members were in their house, in the meantime all the FIR named accused persons, including the petitioner came there and threatened to withdraw earlier case instituted against them. When the informant protested for the



same, on the exhortation made by the petitioner, co-accused Sonu assaulted the informant by means of dagger over her head, due to which she sustained serious injury.

4. Learned Advocate appearing on behalf of the petitioner contended that save and except the allegation that the petitioner made exhortation, there is no whisper that he has caused any injury to any of the person. So far the specific allegation of causing dagger blow is concerned, the same has been attributed to co-accused Sonu. Taking note of the allegation and the injury, the FIR has been instituted under Section 308 and other allied sections of the Indian Penal Code. Co-accused Md. Gulab @ Hafizur, against whom there is more or less identical allegation of participating in the crime, has been allowed the privilege of regular bail by this Court in Criminal Misc. No. 62385 of 2024 vide order dated 04.09.2024. There is a land dispute between the parties which resulted into institution of the cases from both the sides is the contention of the learned Advocate. Now the petitioner has been incarcerated since 08.07.2024.

5. On the other hand, learned Additional Public Prosecutor for the State and the informant vehemently opposes the bail application and submits that it is the petitioner on whose



exhortation co-accused Sonu assaulted the informant and caused serious injury. Learned Advocate for the informant also urged before this Court that the petitioner is a person having criminal antecedent and that is required to be verified.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of allegation and the fact that the person having identical allegation has been allowed the privilege of bail by this Court, coupled with the fact that the FIR has been instituted in the premise of enmity, let the petitioner, named above, 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 Additional Chief Judicial Magistrate VI in connection with Bajitpur P.S. Case No. 23 of 2024, subject to the condition that one of the bailors will be the close relatives 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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