

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62385 of 2024

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

Md. Gulab @ Hafizur S/o- Late Md. Mojibul, R/o Village - Belahi P. S. -
Wajitpur Dist. - Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uma Shankar Singh, Adv.
For the Opposite Party/s : Mr. Ram Sumiran Rai, APP
For the Informant : Mr. Baidnath Prasad, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-09-2024 Heard learned counsel for the petitioner, learned
Additional Public Prosecutor for the State and learned counsel
for the informant.

2. The petitioner seeks regular bail, who is in custody
in connection with Wajitpur P.S. Case No. 23 of 2024 registered
for the offences punishable under Sections 341, 323, 324, 308,
354, 379 and 504/34 of the Indian Penal Code.

3. Based upon the *fardebayan* of the informant, the
prosecution alleges that while the informant along with her
family members were in their house, in the meantime, all the
FIR named accused persons, including the petitioner came there
and threatened her to withdraw earlier case instituted against
them. When the informant protested for the same, on the



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

4. Learned counsel for the petitioner, referring to the FIR, contended that save and except, the petitioner being a member of the mob, there is no allegation of any overt act. So far the specific allegation of causing dagger blow is concerned, the same has been attributed to co-accused Sonu. It is further contended that there is land dispute pending between the parties, which resulted into institution of the cases from both the sides. Be that as it may, now the petitioner is in custody since 08.07.2024. He undertakes that he would not indulge in such kind of crime in future.

5. On the other hand, learned counsel for the State and learned counsel for the informant vehemently opposed the bail application and submitted that there is specific allegation against the petitioner along with other co-accused persons that they were indulged in threatening the informant for withdrawal of earlier case instituted by her against them. The petitioner had actively participated in the crime in which the informant sustained injury, which is dangerous to her life. The petitioner bears two criminal antecedent, which also speak loud about his complicity in the present crime.

6. Regard being had to the submissions made on



behalf of the parties and considering the fact that specific allegation of causing dagger blow has been levelled against co-accused and the petitioner is only said to be a member of mob, let the petitioner, named above, 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 learned A.C.J.M., 6th, Darbhanga in connection with Wajitpur 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.

(Harish Kumar, J)

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