

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63913 of 2024

Arising Out of PS. Case No.-19 Year-2024 Thana- Kotwali District- Darbhanga

Dr. Md. Irshad @ Md. Irshad Son Of Md. Yunush Resident Of Village- Purani
Munsafi, Tedhi Bazar, Police Station- Kotwali District- Darbhanga

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary
For the Opposite Party/s : Mr. Nagendra Prasad
For the Informant : Mr. Girish Chandra Jha

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 10-09-2024 1. Heard learned counsel for the petitioner, learned
APP for the State and the learned counsel appearing on behalf of
the informant.

2. The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 147, 148, 149, 504, 324 and 307 of the Indian Penal Code.

3. The learned counsel for the petitioner submits that the petitioner has antecedent of two cases and the informant alleges that her son had gone to Smart Bazar where Md. Shahil and Shahnawaz started assaulting her son by *lathi*, *bamboo*, *farsa* and *knife*, thereafter, other accused persons along with 8-10 unknown accused persons assaulted her son and fled thinking



he is dead. The learned counsel for the petitioner submits that the petitioner is not named in the FIR and he came to be implicated being uncle of Shahil and Shahnawaz. It is also submitted that son of the informant died during the course of treatment. It is further submitted that none of the witnesses at the place of occurrence were examined and disclosed the name of the petitioner. It is also submitted that name of the petitioner transpired in the confessional statement of Md. Shahjahan who stated that he along with the petitioner went to the place of occurrence. It is next submitted that Md. Shahjahan and petitioner are own brother and Shahil, son of Shahjahan was involved in the occurrence. It is further submitted that even Shahil in his confessional statement had taken the name of the petitioner but then does not allege that he was involved in the occurrence of assault.

4. The learned APP for the State and the learned counsel appearing on behalf of the informant opposes the anticipatory bail application.

5. The learned counsel appearing on behalf of the informant submits that what is not in dispute rather stands admitted is that the son of the informant died, further, there is direct allegation of assaulting the son of the informant by Shahil



and Shahnawaz and Shahil is son of Shahjahan and nephew of the petitioner. Further, Shahil in his confessional statement has taken the name of the petitioner that the fight broke out and he went and called the petitioner to the place of occurrence. It is submitted that petitioner might not have assaulted but then his mere presence embolden the accused persons to commit the occurrence as petitioner also has antecedent of two cases. It is next submitted that if petitioner is given the privilege of anticipatory bail, the petitioner may abscond on which the learned counsel appearing on behalf of the petitioner submits that the petitioner will not abscond rather will cooperate in the investigation to prove his innocence that he had not participated in the occurrence rather had reached the place of occurrence after the occurrence was over.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Darbhanga in connection with Kotwali P.S. Case No. 19 of 2024, subject to



the conditions laid down under Section 438(2) of the Cr.P.C.

7. However, it is made clear that in the event if the investigating officer of the case files an application before the learned trial court bringing to its notice that petitioner despite giving assurance to this Court is not cooperating in the investigation or is not presenting himself as and when required, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

8. It is further made clear that if charge-sheet is submitted connecting the petitioner with the offence, in that event, the present anticipatory bail order shall lose its force.

9. The application stands allowed.

(Satyavrat Verma, J.)

Sudhanshu/-

U		T	
---	--	---	--

