

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66282 of 2024

Arising Out of PS. Case No.-228 Year-2024 Thana- KISHANGANJ District- Kishanganj

Faiyaz Alam (M), aged about 33 years, Son of Md. Piyaru @ Piyaru Mohammad, Resident of Village - Darji Basti, Police Station- Kishanganj, District - Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kumar, Advocate

For the Opposite Party/s : Mr. Surendra Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 01-10-2024 Heard Mr. Raj Kumar, learned counsel appearing on behalf of the petitioner and Mr. Surendra Prasad Singh, learned APP for the State.

2. Petitioner seeks regular bail in connection with Kishanganj P.S. Case No. 228 of 2024 registered for offences punishable under Sections 341, 323, 324, 325 and 307/34 of the Indian Penal Code.

3. As per the allegation made in the FIR, the petitioner along with his father and brother, had assaulted the minor daughter of the informant causing head injury, which, as per the opinion of the doctor, is grievous in nature.

4. Learned counsel appearing on behalf of the petitioner submits that petitioner is innocent and allegation



against him is that of holding the hand of the victim (son of the informant) and the head injury was caused by the co-accused, namely, Mujahid Alam, who is elder brother of the petitioner. No direct allegation of assault is against the petitioner. Petitioner has clean antecedent and he is in custody since 15.06.2024. On these grounds, petitioner seeks to be released on bail.

5. Learned A.P.P., for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the nature of allegation made in the FIR against the petitioner, as well as, the period of custody undergone by the petitioner, who is in custody since 15.06.2024, the learned District Court is directed to release the petitioner, above named, on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Kishanganj, in connection with Kishanganj P.S. Case No. 228 of 2024 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.



(iii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

(v) **The learned District Court is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will lose its force automatically.**

(Purnendu Singh, J)

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