

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78992 of 2024

Arising Out of PS. Case No.-91 Year-2024 Thana- ARIYARI District- Sheikhpura

Md. Farukh Khan @ Md. Nazeer Khan, S/o Late Idrish Khan; R/o Village-Navinagar, Kakrar, P.S. Ariyari, Dist.-Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dinkar Kumar, Advocate
For the Opposite Party/s : Mr. Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 20-12-2024 Heard Mr. Dinkar Kumar, learned counsel appearing on behalf of the petitioner and Mr. Rana Randhir Singh, learned APP appearing on behalf of the State.

2. The petitioner has earlier moved before this Court for anticipatory bail vide Cr. Misc. No.55714 of 2024, which was dismissed as withdrawn vide order dated 31.08.2024.

3. Petitioner seeks regular bail in connection with Ariyari P.S. Case No. 91 of 2024 registered for offences punishable under Sections 341, 307, 323, 504, 379, 325, 34 of the Indian Penal Code.

4. As per the allegation made in the FIR, one she-goat was grazing in the field of the informant, which was protested by the informant then all the accused persons named in the FIR, including the petitioner, assaulted the informant, his sister, his



brother-in-law and his nephew, brutally, with an intention to kill them.

5. Learned counsel appearing on behalf of the petitioner submitted that petitioner is innocent and he has falsely been implicated in the present case. Learned counsel further submitted that the main allegation of assaulting the informant and his family members, is against the son of the petitioner and the petitioner, being the father, has been implicated in the present case. There is case and counter case between the parties. The petitioner has clean antecedent and he is in custody since 07.09.2024. On these grounds, the petitioner seeks to be released on bail.

6. Learned A.P.P. appearing on behalf of the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the nature of allegation made in the FIR, as well as, the fact that no specific allegation of assault has been made against the petitioner and also the fact that the petitioner has clean antecedent, the petitioner, above named, is directed to be released 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 Additional Chief Judicial Magistrate – Ist, Sheikhpura/concerned court in



connection with Ariyari P.S. Case No.91 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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