

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78584 of 2024

Arising Out of PS. Case No.-326 Year-2024 Thana- MURLIGANJ District- Madhepura

Md. Idrish S/O Late Md. Agarjit Mian R/O Village- Bhatkhora, Ward No- 7,
P.S.- Murliganj, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Uday Chand Prasad, Adv. Mr. Manoj Kumar, Adv. Ms. Pooja Prasad, Adv.
For the Opposite Party/s :		Mr. Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 14-11-2024 Heard Mr. Uday Chand Prasad, learned counsel for
the petitioner and the State.

2. The petitioner is in custody in connection with Murliganj P.S. Case No. 326 of 2024 for the offence punishable under sections 126(2), 118(1), 109, 352, 351(2), 351(3), 3(5) of BNS, 2023 lodged on 09.07.2024 by the informant, Md. Sabbir.

3. As per the prosecution story, the informant alleged that upon the order given by this petitioner, Md. Azam and Md. Khalid gave sword blow on the head of the informant causing injury, when his wife came to rescue, Md. Samim threw her on the ground and also assaulted. The further allegation of snatching of ear ring is attributed to Sahida Khatoon, which led to the FIR.



4. Learned counsel for the petitioner submits that a bare perusal of the FIR would show that specific allegation is against Md. Azam and Mr. Khalid of giving blow on the head of the informant causing injury. So far as this petitioner is concerned, he is only an order giver, is in custody since 10.07.2024 (para 16 of the petition).

5. Learned APP opposes the prayer for bail submitting that he is the order giver.

6. Considering the submissions put forward by the parties as also the fact that the petitioner is alleged to be the order giver, allegation has been made against Md. Alam and Md. Khalid of assaulting the informant, he is in custody since 10.07.2024, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned J.M. 1st Class, Madhepura in connection with Murliganj P.S. Case No. 326 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;



(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for one year to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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