

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80003 of 2024

Arising Out of PS. Case No.-71 Year-2021 Thana- TARABARI District- Araria

Md. Wakil @ Wakil Son of Atabul @ Safil Resident of Village - Hariabara,
Police Station - Tarabari, District - Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anamul Haque, Advocate

For the Opposite Party/s : Mr.Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-12-2024 Heard Mr.Anamul Haque, learned counsel for the
petitioner and Mr.Abhay Kumar Roy, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Tarabari P.S. Case No.71 of 2021, dated 04.06.2021 registered for the offences punishable under Sections 147,148,149,341,323,324,307,448,380,504,506 of IPC and Section 27 of the Arms Act.

3. As per the prosecution case, the F.I.R. named persons armed variously started to plough the land of the informant and on objection, they indiscriminately assaulted the informant's side.

4. Learned counsel appearing for the petitioner



submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. Further submits that from a bare perusal of the FIR it appears that although the petitioner is named in the FIR but there is no specific allegation of any assault or overt-act attributed against the petitioner and due to admitted land dispute the present occurrence had taken place. There is case and counter case and both side have received injury and co-accused persons, namely, Nabi Hasan & Ors. Have been granted privilege of anticipatory bail by a Coordinate Bench of this Hon'ble Court vide order dated 03.07.2023 passed in Cr. Misc. No.21997 of 2023 and co-accused person, namely, Md. Tabarak @ Tabarak & Ors. have also been granted privilege of anticipatory bail by this Court vide order dated 14.03.2024 passed in Cr. Misc. No.17908 of 2024.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts, petitioner has clean antecedent and other co-accused persons have been granted privilege of anticipatory bail by this Court or a Coordinate Bench of this Hon'ble Court, let the petitioner, above named, in the event of his arrest or surrender before the



court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Araria in connection with Tarabari P.S. Case No.71 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

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

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his/her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the



acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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