

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81336 of 2023

Arising Out of PS. Case No.-36 Year-2023 Thana- GOGRI District- Khagaria

Md. Haidar @ Haidar Son Of Md. Ibrahim @ Ibrahim Resident Of Village-
Chak Yusuf, Police Station- Gori, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-01-2024 Heard Mr. Rajesh Kumar, learned counsel for the

petitioner and Mr. Ram Sevak Choudhary, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Gogri P.S. Case No. 36 of 2023, F.I.R. dated 30.09.2023 for the offences punishable under Sections 341, 323, 325, 307, 468, 354(B), 379, 504, 506 and 34 of the Indian Penal Code.

3. According to prosecution case, all the accused persons including this petitioner have assaulted the husband of the informant with an intention to kill him.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R



that there is no specific allegation of any assault or overt act attributed against the petitioner. He further submits that there is specific allegation against the co-accused persons who have assaulted the informant and her husband.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in the said case.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of 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 the learned Chief Judicial Magistrate, Khagaria in connection with Gogri P.S. Case No. 36 of 2023, 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 absence on two consecutive dates without sufficient reason, his 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 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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