

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83688 of 2023

Arising Out of PS. Case No.-160 Year-2022 Thana- AMDABAD District- Katihar

Mursalin @ Md. Akram @ Nd. Akram S/O Md. Ishaque R/O- Jiyamari, Ps.
Amdabad, Dist.Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr.Advocate
	:	Mr.Sanjeev Kumar Singh, Advocate
	:	Ms. Neha Rani, Advocate
For the Opposite Party/s	:	Mr.Rajendra Prasad Nat, APP
For the Informant	:	Mr. Md. Musowir, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 10-04-2024 Heard Mr. N.K. Agrawal, learned senior counsel
appearing for the petitioner, Mr. Md. Musowir, learned counsel
for the informant and Mr.Rajendra Prasad Nat, learned
Additional Public Prosecutor for the State.

2. The petitioner seeks bail, who is in custody since
20.08.2023 in connection with Amdabad P.S.Case No.160 of
2022, FIR dated 24.07.2022 registered for the offences
punishable under Sections 341,323,324,379,504,506/34 of IPC
and later on Section 307 was added.

3. Allegation against the petitioner is that he assaulted
to the cousin brother of the informant causing injury on his
head.



4. Learned senior counsel appearing for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. As per FIR, allegation against the petitioner is that he assaulted to the cousin brother of the informant and he has received the injury and injury report of the cousin brother of the informant suggests that although he has received three injuries and out of three injuries, injury Nos. 1 and 2 are grievous in nature and injury No.3 is simple in nature. Further submits that there is case and counter case between the parties and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 20.08.2023.

5. Learned counsel for the informant and learned A.P.P. for the State, on the other hand, have vehemently opposed the prayer for bail of the petitioner and submits that from a bare perusal of the FIR it appears that there is direct and specific allegation against the petitioner that he assaulted to the cousin brother of the informant and he has received the injury.

6. Considering the aforesaid fact, let the petitioner, above named, 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 C.J.M., Katihar in connection



with Amdabad P.S.Case No.160 of 2022, with the 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 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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