

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82861 of 2024

Arising Out of PS. Case No.-441 Year-2024 Thana- SAUR BAZAR District- Saharsa

Md. Jamhir @ Md. Jamil @ Jamil S/O Jainul R/O Village- Arraha, Ward No. 3, P.S- Saur Bazar, Distt.- Saharsa, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amarnath Jha, Advocate

For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 04-12-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Saur Bazar P.S. Case No. 441 of 2024 for the offence punishable under Sections 126(2), 115(2), 118(1), 78, 79, 3(5), 303(2) of B.N.S., 2023 and later section 103(1) of B.N.S. was added lodged on 08.08.2024 by the informant, Khushboo Khatoon.

3. As per the prosecution story, the informant alleged that Md. Manzoor used to make vulgar comments during conversation on mobile and also threatened to put all the conversations on *website* if she does not allow him to make physical relationship. A Panchayati was held where Md. Manzoor accepted his guilt and promised that he will not do the same in future. However, on 08.08.2024, the accused



persons armed variously came and the allegation against Md. Shamsul is of assaulting her father-in-law and thereafter, Md. Saddam injured her husband Md. Mushtak with 'lathi'. The accused also tried to outrage the modesty of the informant and the allegation against this petitioner is of taking away Rs. 25,000/- as also ornaments besides the different government cards. This led to the FIR.

4. It is the case of the petitioner that admittedly, the allegation mainly is against Md. Shamsul and Md. Saddam of assaulting the father-in-law and husband of the informant. Further, the allegation of vulgar conversation is against Md. Manzoor. Only to exaggerate the FIR, the allegation of taking away ornaments/cash is/are on him, he has no criminal antecedent and is in custody since 26.08.2024.

5. Learned APP opposes the prayer submitting that though allegation of assault is not on this petitioner, the further allegation is that he has taken away the cash/ornaments besides other documents.

6. Taking into account the aforesaid facts as also the FIR where the main allegation is against Md. Shamsul and Md. Saddam, the allegation against this petitioner is of taking away cash/ornaments, he is in custody since



26.08.2024 having no criminal antecedent, 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) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Saharsa, in connection with Saur Bazar P.S. Case No. 441 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 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 next six months 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)

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