

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.1824 of 2024**

Arising Out of PS. Case No.-28 Year-2022 Thana- MOHIUDDIN NAGAR District-  
Samastipur

=====

Md. Murtajar @ Rinku Son Of Md. Mustafa R/O Village- Mohiuddin Nagar,  
P.S.- Mohiuddin Nagar, Dist.- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr. Amit Kumar, Advocate  
For the State : Mr. Parmanand Prasad, APP

=====

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

3      09-04-2024                      Heard Mr. Amit Kumar, learned counsel for the  
  
petitioner and Mr. Parmanand Prasad, learned Additional Public  
  
Prosecutor for the State.

2. The petitioner is apprehending his arrest in  
connection with Mohiuddin Nagar P.S. Case No. 28 of 2022,  
F.I.R. dated 09.02.2022 for the offences punishable under  
Sections 341, 147, 148, 323, 324, 354, 307, 504 and 506 of the  
Indian Penal Code.

3. According to prosecution case, allegation against  
the petitioner is that he along with other co-accused persons are  
said to have assaulted the informant and his family members.

4. Learned counsel for the petitioner submits that  
petitioner has clean antecedent and he has falsely been  
implicated in the present case. He further submits that the



allegation as alleged is false and fabricated and the petitioner has not committed any offence as alleged in the FIR and due to admitted land dispute the present occurrence has taken place. He further submits that there is case and counter case between the parties and there is one Title Suit No. 74 of 2021 is pending between the parties. He further submits that there is specific allegation of assault is attributed against the co-accused person, namely, Md. Murtajar and the allegation against the petitioner that he assaulted the mother in law of the informant, namely, Zehara Khatoon although she has received the injury but the injury report of the injured person suggests that the injury is found simple in nature.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts, petitioner having clean antecedent and injury found upon the injured person is simple in nature, 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 Court of Sessions Judge, Samastipur in connection



with Mohiuddin Nagar P.S. Case No. 28 of 2022, 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)**

ajay/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

