

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86640 of 2023

Arising Out of PS. Case No.-327 Year-2023 Thana- KISHANGANJ District- Kishanganj

Md. Faijan Mustafa @ Abid @ Md. Faizan Mustafa Son of Late Md. Mehtab
R/O Village- Salki, Tengarmari, P.S.- Kishanganj, Dist.- Kishanganj
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Adv.
For the Opposite Party/s : Mr. Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

2 19-01-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Kishanganj P.S. Case No. 327 of 2023 instituted for the offences under Sections 341, 323, 307, 379, 504, 506 of the Indian Penal Code and Section 25(1-b)A, 26, 27 of the Arms Act.

3. As per prosecution case, the allegation against the petitioner is of abusing and assaulting the Informant due to which he sustained injuries on his arms. In the meantime, the people gathered there, caught the petitioner and recovered a pistol from his possession. Thereafter, the police came there and he was handed over to the police.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the



present case due to ulterior motive by the local police in connivance with the local enmity. The petitioner has altogether eight criminal antecedents but, in all, he is on bail. The petitioner is languishing in judicial custody since 15.08.2023.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the entire facts and circumstances of the case, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Kishanganj P.S. Case No. 327 of 2023, subject to the following conditions:-

(i) One of the bailors shall be own/close member of the family of the petitioner.

(ii) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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