

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83908 of 2023**

Arising Out of PS. Case No.-33 Year-2023 Thana- GHANSHYAMPUR
District- Darbhanga

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MD. ALI @ MD. ALI SHAIKH SON OF MD. GULE ABBAS R/O VILLAGE-
NARI BHADAWN, P.S.- GHANSHYAMPUR, DIST.- DARBHANGA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amrit Abhijat
For the Opposite Party/s : Mr. Bharat Lal

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-01-2024 Heard Mr. Amrit Abhijat, learned counsel for the
petitioner and Mr. Bharat Lal, learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Ghanshyampur P.S. Case No. 33 of 2023 registered for
the offence under Sections 308, 354A, 379, 341, 323, 504,
506 and 34 of the Indian Penal Code.

The petitioner along with other are alleged to have
surrounded the informant and assaulted him. It is further
alleged that the petitioner has also assaulted the informant's
wife on his head, leg and knee and also torn the dress of the
wife of the informant.

Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is



innocent and has falsely been implicated in this case. He further submits that the allegation, as alleged in the F.I.R., is false and fabricated and the petitioner has not committed any offence. He further submits that as per allegation in the F.I.R., the petitioner has assaulted the informant with sword but the injuries inflicted to the informant are simple in nature caused by a hard and blunt substance as such, medical report does not support the prosecution version. He further submits that there is case and counter case between the parties for the same set of facts.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner, in the event of his arrest or surrender before the court below within a period of four weeks, 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 S.D.J.M., Biraul, Darbhanga in connection with Ghanshyampur P.S. Case No. 33 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C. as also with the following conditions:-



(1) 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 canceled by the Court below.

(2) 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.

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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