

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1920 of 2024

Arising Out of PS. Case No.-653 Year-2023 Thana- KHAGARIA District- Khagaria

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Jafar Ali @ Md Jafar Ali @ Jafar S/o – Md. Jainul @ Jainul, R/o Village-
Mehsauri, P.S.- Muffasil, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Choudhary, Advocate

For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 31-01-2024 Heard Mr. Anil Kumar Choudhary, the learned

counsel for the petitioner and Mr. Pramod Kumar Pandey, the

learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in

connection with Khagaria (Muffasil) PS Case No. 653 of 2023,

FIR dated 01.07.2023, registered for the offences punishable

under Sections 341, 323, 307 read with Section 34 of the Indian

Penal Code and under Sections 25(1-b)a and 27 of Arms Act.

3. According to prosecution case, the informant, upon

receiving secret information regarding firing made at Mehauri

on one named Amaniwala by accused persons for the purpose of

spreading terror, reached at the place of alleged occurrence and

after investigation two live cartridges were recovered from the

place. It is further alleged that after making secret raids, the

involvement of the accused persons were confirmed and a motorcycle was also recovered in the process.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case mainly on the ground that the petitioner is father of one co-accused person. He further submits that according to the FIR it appears that there is no specific allegation of any assault or overt act. It is mainly mentioned that the son of the petitioner was also involved in the alleged occurrence.

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

6. Considering the aforesaid facts and circumstances and the fact that the petitioner has clean antecedent and he is not named in the FIR, let the petitioner, above named, in the event of his arrest or surrender before the Court below, within a period of four weeks from the date of receipt of the order, be released on anticipatory 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 Chief Judicial Magistrate, Khagaria, where the case is pending in connection with **Khagaria (Muffasil) PS Case No. 653 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also 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 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)

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