

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7070 of 2024

Arising Out of PS. Case No.-226 Year-2020 Thana- LAUKAHA District- Madhubani

Mukhtar Alam @ Mohamad Surba S/O- Mahmud Alam R/O-Vill-Batarmari
Anharban, P.S.Laukha, Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prakritita Sharma, Advocate

For the Opposite Party/s : Mr.Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-03-2024 Heard Mr.Prakritita Sharma, learned counsel for the
petitioner and Mr.Brajendra Nath Pandey, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Laukaha PS Case No. 226 of 2020, FIR dated 13.08.2020, registered for the offences punishable under Sections 147,148,149,341,323,324,307 and 504 of the Indian Penal Code, subsequently Section 302 of IPC was added.

3. From bare perusal of the allegation as alleged in the F.I.R., it would manifest that the dispute arose relating to coming of rain water in the house of the informant. As such, the father of the informant was trying to remove the soil, so that rain water could not get locked in his house, which was objected by some other community member for which, a Panchayati was



also held when the Panchayati was convened and the father of the informant wanted to say something then 16 named accused persons along with 5-10 unknown persons came and it is alleged that the father of the informant was assaulted by the named accused persons. With respect to this petitioner, it is alleged that he assaulted with rod on the head of the father of the informant while other assaulted with farsa, lathi, dabia etc. as a result of which, the father of the informant got injured and when the brother of the informant came to rescue his father, he was also assaulted and both of them were admitted in hospital for treatment and it is alleged that during course of the treatment, father of the informant died.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. From a bare perusal of the FIR it appears that there is no specific allegation of any assault or overt-act is attributed against the petitioner rather there is specific allegation of assault is attributed against co-accused persons, namely Md. Nasir, Manjoor Alam, Azruddin, Md. Akbar and Md. Perbej that they have assaulted to the father of the informant.

5. Learned A.P.P. for the State has vehemently



opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts, petitioner has clean antecedent and there is no accusation of any assault or overt-act attributed against the petitioner, let the petitioner, above named, in the event of his 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 learned Judicial Magistrate, 1st Class, Jhanjharpur, Madhubani in connection with Laukaha PS Case No. 226 of 2020, 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/her absence on two consecutive dates without sufficient reason, his/her 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/her 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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