

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3611 of 2025

Arising Out of PS. Case No.-126 Year-2023 Thana- SAHARSA SADAR District- Saharsa

Md. Khalil S/o- Md. Zamir R/o Village-Jhapara Tola Ward no 31 P.s-Saharsa
Dist- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pawan Kumar, Advocate
For the State	:	Mr. Sanjay Kumar Singh, APP
For the Informant	:	Mr. Amrit Abhijat, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 28-02-2025 Heard Mr. Pawan Kumar, the learned Advocate for the petitioner and Mr. Sanjay Kumar Singh, the learned APP for the State and Mr. Amrit Abhijat, learned counsel for the informant.

2. The petitioner seeks regular bail, who is in custody in connection with Saharsa Sadar P.S. Case No. 126 of 2023 giving rise to S.T. Case No. 371 of 2023, registered for the offence punishable under Sections 341, 323, 324, 307, 384, 504, 506/34 of the Indian Penal Code and later on Section 302 of I.P.C has been added.

3. This is the third attempt made on behalf of the petitioner as earlier once, the petitioner has withdrawn his application and subsequently, the prayer for bail of the petitioner was negated by considering the specific nature of accusation. However, liberty was granted to the petitioner to renew his



prayer for bail after six months, if the trial is not concluded.

4. The prosecution case is based on the fardbeyan of the informant, alleging therein, that the petitioner along with other co-accused persons have assaulted the informant's father with butt of revolver, *lathi* and *danda*. During treatment, the father of the informant died on 03.03.2023.

5. Learned Advocate for the petitioner, referring to the FIR contended that though, there is allegation that the petitioner has assaulted the informant by means of butt of the revolver due to which the father of the informant fell down and thereafter all the accused persons assaulted him by means of *lathi* and *danda*, but surprisingly, the postmortem report does not corroborate the allegation in as much as no external injuries have been found over the body of the deceased. There is inordinate delay in lodging of the FIR which has not been explained. All the more, the petitioner has been incarcerated since 02.03.2023. Though, the charges have been framed in this case much earlier, but till date, only three witnesses have been examined. There is no likelihood of conclusion of the trial.

6. On the other hand, learned APP for the State and learned counsel for the informant vehemently oppose the bail application and submits that apart from the specific allegation of



resorting fire, it is also alleged that the petitioner has brutally assaulted the father of the informant by means of butt over his head which proved fatal later on. Attention of this Court has also been drawn to the criminal antecedent of the petitioner which runs in 14 in number.

7. At this stage, learned Advocate for the petitioner contended that out of 14 cases, in one of the case, the petitioner himself is informant, in three of the criminal cases, the petitioner has been acquitted and in some of the cases, the police has submitted final form. Apart from others, the petitioner is on bail.

8. Regard being had to the submissions made on behalf of the parties and considering the delay in lodging of the FIR and the period of incarceration coupled with the liberty granted by this Court on the earlier occasion, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-III, Saharsa in connection with S.T. Case No. 371 of 2023 arising out of Saharsa Sadar P.S. Case No. 126 of 2023, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which



are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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