

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8084 of 2025

Arising Out of PS. Case No.-132 Year-2024 Thana- SINGHWARA District- Darbhanga

Md. Hamidullah @ Mohammad Hamidullah S/o Md. Sagir @ Mohammad Sagir, R/O Village - Bharwara, P.S- Singhwara, District- Darbhanga.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Munna, Advocate

For the Opposite Party/s : Mr. Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-02-2025 Heard Mr. Prabhat Kumar Munna, the learned
counsel for the petitioner and Mr. Satyendra Prasad, the learned
Additional Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since
09.12.2024, in connection with Singhwara P.S. Case No. 132 of
2024 (G.R. No. 1813 of 2024), FIR dated 02.06.2024, registered
for the offences punishable under Sections 147, 149, 341, 323,
324, 307, 379 and 504 of the Indian Penal Code.

3. According to the prosecution case, the petitioner
along with other co-accused persons has assaulted the informant
and his family members and they also snatched Rs. 2,000/-
(Rupees two thousand only) from the pocket of one Md. Jubair.

4. Learned counsel for the petitioner submits that
petitioner has falsely been implicated in the present case and the



allegation levelled in the FIR is false and fabricated and bare perusal of the FIR it appears that due to admitted land dispute the present occurrence has taken place and there is case and counter case between the parties as well. He further submits that there is specific allegation against the petitioner that he has assaulted to one Md. Zobair Ahmad by means of iron rod and injury report of Md. Zobair Ahmad reveals that he has received the following injuries:

“(a) Stitched wound of size 1 cm present over mid parietal bone.

(b) Stitched wound of size 2 cm present over right parietal bone.

(c) Stitched wound of size 2 cm present over left parietal bone.

(d) Pain and tenderness over left shoulder area.

The final opinion was given by the Medical Officer, CHC, Singhwara, Darbhanga in which it has been stated that injury no. 1, 2 and 3 are simple in nature and injury no. 4 is grievous in nature, but all are caused by hard and blunt substance.”

Learned counsel for the petitioner submits that although he has received the injury which is grievous in nature, but due to fracture in hand the said injury is grievous in nature. He lastly submits that the co-accused persons namely, Md. Shamim @ Shameem and others have been granted the privilege



of anticipatory bail by this Court *vide* order dated 03.10.2024 passed in Cr. Misc. No. 67334 of 2024 and petitioner is in custody since 09.12.2024.

6. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that there is direct and specific allegation against the petitioner and apart from that petitioner carries one criminal antecedent other than the present and chargesheet has not been submitted against the petitioner in that case as yet.

7. Considering the aforesaid facts and circumstances and mainly the facts that there is case and counter case between the parties and other co-accused persons have been granted the privilege of anticipatory bail by this Court, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Darbhanga, in connection with **Singhwara P.S. Case No. 132 of 2024 (G.R. No. 1813 of 2024)**, subject to the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the



learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(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 learned trial Court 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 learned trial Court 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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