

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9839 of 2025

Arising Out of PS. Case No.-323 Year-2023 Thana- KORHA District- Katihar

Asad Ali Son of Asfak Karim village- Ranichak, Bishnupur, PS- Korha, Distt-
Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate

For the Opposite Party/s : Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 16-06-2025 Heard Mr. Sanjeev Kumar Singh, learned counsel for
the petitioner and Mr. Kalyan Shankar, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Korha P.S. Case No. 323 of 2023, F.I.R. dated 14.08.2023 for the offences punishable under Sections 302/34 of the Indian Penal Code.

3. As per the First Information Report, the informant alleged that all the FIR named accused persons came at the dispute land and forcibly started to mend the house and when her mother and two sisters went to stop them then all of the accused persons abused and assaulted them.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been



implicated in the present case. It appears from the FIR that the petitioner is not named in the FIR and his name transpired on the basis of re-statement of the informant which is mentioned in paragraph-18 of the case diary and except the aforesaid there is no other cogent material which suggest the involvement of petitioner in the present occurrence.

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

6. Considering the aforesaid facts and circumstances, the petitioner has clean antecedent and the petitioner was not named in the FIR and his name transpired on the basis of re-statement of the informant, let the petitioner, above named, in the event of 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 the learned C.J.M., Katihar in connection with Korha P.S. Case No. 323 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita 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 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 bond 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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