

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18651 of 2025

Arising Out of PS. Case No.-177 Year-2024 Thana- FALKA District- Katihar

Md. Ijrail Son of Late Md. Irfan Resident of village - Fuldobhi, P.S.- Falka,
District - Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Thakur, Adv

For the Opposite Party/s : Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 18-06-2025 Heard learned Counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Falka P.S. Case No. 177 of 2024 registered for the offences punishable u/s 126(2), 115(2), 109, 118, 352, 351(2)/3(5) of the B.N.S.

3. As per the prosecution case, the informant heard the cries of his father and when he reached, he saw that a knife was inserted in his abdomen and he was bleeding profusely and his father disclosed that Md. Ijrail (petitioner) had stabbed him with a knife while the other accused person had caught hold of him, thereafter, the informant's father was taken to a Pvt. Hospital for further treatment.

4. Learned counsel for the petitioner has submitted



that the petitioner is innocent and has falsely been implicated in this case and there is general and omnibus allegation against all the accused persons. It has further been submitted that the injury sustained by the father of the informant was not grievous and from perusal of the injury report it would be evident that the wound was ½ inch deep and no vital organ was affected. It is next submitted that admittedly there is land dispute between the parties and hence the petitioner has falsely been implicated in this case. It is lastly submitted that the petitioner has clean criminal antecedent and has been in custody since 18.10.2024.

5. Learned APP for the State has vehemently opposed the prayer for bail and has stated that there is specific allegation against the petitioner to have assaulted the father of the informant with a knife causing injury in his abdomen.

6. Considering the aforesaid submission made by the respective parties and taking into account the nature of allegation, let the petitioner above-named, be released on bail **after framing of charge** on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Falka P.S. Case No. 177 of 2024, subject to the conditions as laid



down under Section 482(2) of the BNSS subject to the following conditions :

a The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.

b. One of the bailors of the petitioners shall be their close relative.

c The petitioners shall remain physically present in Court on each date of the trial.

d. In case of absence on two consecutive dates, or in violation of the terms of the bail and if the prosecution is found involvement of the petitioners in similar nature of offence, the bail bond of the petitioners will be liable to be canceled by the Court concerned.

e. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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.

e. However, if the investigating officer of the case files an application bringing to the notice of the learned trial court that petitioners despite giving assurance to this Court is not cooperating in the investigation, the learned trial court shall be at



liberty to cancel the bail bonds of the petitioner.

7. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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