

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20651 of 2025

Arising Out of PS. Case No.-312 Year-2024 Thana- KUCHAIKOTE District- Gopalganj

1. Jakir Hussain @ Jakir Hussain Khan S/o- Late Noor Hasan Khan Village- Malahi Ps- Kuchaikot Dist- Gopalganj
2. Akaram Khan @ Tunna S/o- Jakir Hussain @ Jakir Hussain Khan Village- Malahi Ps- Kuchaikot Dist- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Pandey, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 27-06-2025 Heard the parties.

2. The petitioners are in custody in connection with Kuchaikote P.S. Case No. 312 of 2024 for the offence punishable under Sections 126(2), 115(2), 118(1), 117(2), 109, 3(5) of the BNS/IPC lodged on 18.07.2024 by the informant, Matihasan Khan.

3. As per the prosecution story, the informant alleged that when he was going to his water plant, the accused persons armed variously came and assaulted causing injury on the head. Further, his leg/hand also got fractured and they also tied towel in the neck of the informant and tried to kill him. However, as the locals gathered, they escaped. This followed the FIR.



4. Learned counsel for the petitioners submit that the allegation against petitioner no. 2 is of hitting and causing fracture in the thumb of the informant's son while against petitioner no. 1 is that he put a towel around the neck to strangle him. The submission is that they have already suffered by being in custody since 19.07.2024, though concede that they have criminal antecedent. Further submission is that they shall be diligently appearing in trial and the last submission is that without accepting the allegation and/or the outcome of the present petition in view of the fact that the informant's side has alleged injuries, the petitioners on their own would like to contribute Rs. 5,000/- each (totalling Rs. 10,000/-) towards the medical assistance through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant after checking the credentials.

5. Learned APP opposes the prayer for bail submitting that they have criminal antecedent and assaulted the informant's side.

6. Taking into account the submission of the parties as also the period of custody, the Trial Court report records that it has been committed to the Sessions Court on 09.05.2025 and is



not likely to be concluded and an undertaking has been given that they shall be diligently appearing in trial, in that background, this Court is inclined to extend him the privilege of bail with conditions subject to payment of Rs. 5,000/- each (totalling Rs. 10,000/-) as undertaken by the learned counsel for the petitioner to be paid by Demand Draft of local State Bank of India to be submitted to the Trial Court to be handed over to the informant.

7. Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned CJM, Gopalganj in connection with Kuchaikote P.S. Case No. 312 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for six months to mark their



attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

Adnan/-

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