

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53198 of 2024

Arising Out of PS. Case No.-218 Year-2023 Thana- AMDABAD District- Katihar

1. SAIDUL HAQUE @ SAIDUL RAHMAN S/O LATE FAIJUL RAHMAN R/O VILLAGE- SINGHIA, P.S- AMDABAD, DISTT.- KATIHAR.
2. MANJAR ALAM @ MANJUR ALAM S/O LATE FAIJUL RAHMAN R/O VILLAGE- SINGHIA, P.S- AMDABAD, DISTT.- KATIHAR.
3. MD. MUKHTAR @ MOKTAR ALAM @ MOKTAR S/O MD. MANJUR ALAM R/O VILLAGE- SINGHIA, P.S- AMDABAD, DISTT.- KATIHAR.
4. RUBEL ALAM @ RUBER ALAM @ RUBER S/O MD. KHALID R/O VILLAGE- SINGHIA, P.S- AMDABAD, DISTT.- KATIHAR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. A. K. Thakur, Advocate Ms. Vaishnavi Singh, Advocate
For the Opposite Party/s	:	Mr. Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

5 24-01-2025 Heard Mr. A. K. Thakur, learned counsel along with

Ms. Vaishnavi Singh, learned counsel appearing on behalf of the

petitioners and Ms. Sucheta Yadav, learned APP for the State.

2. Vide order dated 22.11.2024, petitioners no.2 to 4
have been granted bail.

3. The petitioner no.1 seek regular bail in connection
with Amdabad P.S. Case No. 218 of 2023 registered for the
offence(s) punishable under Sections 341, 323, 307, 302, 504,
506, 120(B)/34 of the Indian Penal Code.

4. As per the allegation made in the FIR, the accused
persons including the petitioner assaulted the informant and his



deceased brother Enamul Haque with sticks, due to which his brother died on the spot. When informant's uncle came to save him, the accused persons also assaulted him.

5. Learned counsel appearing on behalf of the petitioners submitted that petitioner is innocent and has falsely been implicated in the present case. There is no specific allegation against the petitioner rather the same is general and omnibus. Similarly situated co-accused Md. Farooque @ Farooque and Jainal have already been granted bail by different co-ordinate Benches of this Court vide Annexure 4. Petitioner has clean antecedent and he is in custody since 15.04.2024.

6. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail and submitted that it has come in the supervision note of the SDPO in paragraph no.39 of the case diary that petitioner no.1 has assaulted by means of lathi to the deceased.

7. Having considered the rival submissions made on behalf of the parties and also considering the nature of allegation made in the FIR, **the learned District Court is directed to release the petitioner no.1, abovenamed, on bail upon furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the**



satisfaction of learned Judicial Magistrate 1st Class, Katihar in connection with Amdabad P.S. Case No. 218 of 2023, subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

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

(iii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

(v) The learned District Court is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioners as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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