

Arising Out of PS. Case No.-533 Year-2022 Thana- BAHERA District- Darbhanga

Md. Khaliullah @ Khaliullah S/O Late Abdul Rashid @ Late Md. Rashid R/O
Vill.- Badarbanna, P.S.- Bahera, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Jha- Advocate
For the Opposite Party/s : Mr.Chandra Bhushan Prasad- A.P.P.
Mr.Arbind Kumar Singh- Adv. for the informant

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 12-12-2025 1. Heard learned counsel for the petitioner, learned
APP for the State and the learned counsel appearing on behalf of
the informant.

2. The petitioner seeks bail in a case registered for the
offences punishable under Sections 147, 341, 323, 307, 379 and
504 of the Indian Penal Code.

3. The learned counsel for the petitioner submits that
the petitioner has antecedent of eight cases. It is next submitted
that if only antecedent persuades the Court not to grant the
privilege of regular bail to the petitioner, in that event, the same
would amount to travesty of justice. It is next submitted that
petitioner is alleged to have assaulted the informant by farsa
causing injury on head along with Md. Safiullah, who is alleged



to have assaulted him by sword and Md. Tauhir assaulted by an iron rod. It is submitted that Md. Altaph along with seven accused including Md. Safiullah had approached this Court seeking anticipatory bail by filing Cr. Misc. No.13040 of 2024 and the same came to be allowed by an order dated 14.03.2024 after considering the case in detail and on merit. It is submitted that when the instant FIR came to be instituted, an application was filed from the side of the petitioner before the Senior Superintendent of Police, Darbhanga for holding a fair investigation in the matter, in pursuance whereof, the investigation was handed over to the Dy.S.P. Traffic Darbhanga by the S.S.P., Darbhanga and Dy.S.P. Traffic, Darbhanga while investigating the case recorded that the allegations alleged in the instant FIR had never taken place and the accused persons were falsely implicated. It also transpired during the course of investigation that the eye witnesses of the present occurrence were not even present at the place of occurrence as one was in Delhi and the other eye witness did not support the case of the prosecution, but supported the factum of accident. It is next submitted that Suhagin Praveen, who was also a petitioner in Cr. Misc. No.13040 of 2024 had instituted Bahera P. S. Case No.494 of 2022 alleging that informant dashed her son by



motorcycle leading to injury and her son was admitted in DMCH for treatment.

4. The learned counsel for the petitioner submits that after Bahera P. S. Case No.494 of 2022, thereafter the instant FIR came to be registered by way of counter-blast. It is also submitted that in the accident informant received injury, but then, falsely implicated the accused persons including the petitioner. It is next submitted that petitioner will not abscond rather will cooperate in the trial to prove his innocence.

5. Learned A.P.P. Sri Chandra Bhushan Prasad as well as the learned counsel appearing on behalf of the informant opposes the bail application, but then, are not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioner that Md. Altaph along with seven others had approached this Court seeking anticipatory bail by filing Cr. Misc. No.13040 of 2024 and the same came to be allowed by an order dated 14.03.2024 after considering the case in detail and on merit.

6. Considering the submissions of the learned counsel appearing on behalf of the petitioner, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 50,000/- (Rupees Fifty Thousand) with



two sureties of the like amount each to the satisfaction of learned Court below where the case is pending/successor Court in connection with Bahera P. S. Case No.533 of 2022, subject to condition that one of the bailors of the petitioner shall be his cousin brother Mohammad Arshad.

7. The application stands allowed.

8. However, it is made clear that if the learned trial court comes to a conclusion that petitioner after his release is trying the delay the framing of charge or after framing of charge is trying to delay the trial in any manner in both the condition, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

(Satyavrat Verma, J)

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