

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83833 of 2024

Arising Out of PS. Case No.-78 Year-2024 Thana- PAHARKATTA District- Kishanganj

Ismail @ Md. Ismail Son of Haider Ali Resident of village - Fulhara, P.S.-
Paharkatta, District - Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Radha Mohan Singh, Advocate
For the Opposite Party/s	:	Mr. Uma Shankar Prasad Singh, APP
For the Informant	:	Mr. Raj Kumar, Advocate

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 25-02-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Paharkatta P.S. Case No. 78 of 2024 instituted for the offences
under Sections 109(1), 115(2), 117(2), 118(1), 126(2), 190,
191(2), 191(3), 351(2), 352 of the Bharatiya Nyaya Sanhita,
2023.

3. Prosecution case, in short, is that, this petitioner
along with other co-accused ordered one Anwar to kill the
informant's brother, after which Anwar attacked him with an
axe, causing serious injuries.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case.



Learned counsel for the petitioner submitted that general and omnibus allegation has been made against the petitioner. No specific allegation of assault has been attributed to his petitioner and the only role of the petitioner in the alleged occurrence is that he gave orders to co-accused Anwar to kill informant's brother. It has been submitted on behalf of the petitioner that the petitioner is in custody since 14.09.2024 and has no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, there being no specific allegation of assault against the petitioner as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Paharkatta P.S. Case No. 78 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date



fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(III) 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.

(Rudra Prakash Mishra, J)

Alok Verma/-

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