

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89123 of 2024

Arising Out of PS. Case No.-11 Year-2024 Thana- SHAMPUR District- Munger

Md. Arbaj @ Md. Arif, S/O Md. Basir, Resident of village - Gaura, P.S-
Shampur, District- ,Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abdul Manan Khan, Adv.
: Mr. Vivek Raj, Adv.
For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 10-01-2025 Heard the learned Advocate for the petitioner and the

learned APP for the State.

2. The petitioner seeks regular bail, who is in custody

in connection with Shampur P.S. Case No. 11 of 2024 registered

for the offence punishable under Sections 147, 148, 149, 341,

323, 324, 326A, 307, 302, 504 and 120(B) of the Indian Penal

Code.

3. The prosecution alleges that on 13.03.2024, the

deceased went to his Sasural to bring his wife, however, despite

his request the same denied and all the FIR named accused

persons including the petitioner brutally assaulted due to which

he sustained serious injuries, which led to his death during the

course of treatment.

4. Learned Advocate for the petitioner drawing the attention of this Court to the FIR contended that from the FIR, it is evident that the petitioner was present at the place of occurrence with a dagger in his hand. However, the postmortem report clearly suggests no incised injury or any injury of stabbing and, as such, *prima facie* it appears that the name of the petitioner has been falsely implicated in this case. It is further contended that in fact, the petitioner is distantly related to the wife of the deceased and on this count, the name of the petitioner has been implicated in this case. There is no specific allegation attributed against the petitioner of causing any harm to the deceased. Moreover, the petitioner has been incarcerated since 17.08.2024.

5. On the other hand, learned APP for the State has drawn the attention of this Court to the postmortem report and submitted that the deceased was brutally assaulted and he received multiple injuries apart from that the petitioner bears two criminal antecedents and has actively participated in the crime.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the cause of death is shown to be haemorrhage, shock and injury to the vital

organs caused by hard and blunt substance, coupled with the fact that the investigation of the crime is complete and the charge-sheet has been submitted, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Munger in connection with Shampur P.S. Case No. 11 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the

court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J.)

Jyoti Kumari/-

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