

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45953 of 2015

Arising Out of PS.Case No. -111 Year- 2015 Thana -JOKIHAT District- ARRARIA

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1. Samshad @ Shamshad Alam, son of Iliyas,
 2. Shamim @ Md. Shamim Akhtar, son of Iliyas null
 3. Tabrej, son of Iliyas, null
 4. Sajjad @ Patlu @ Md. Sajjad Alam, son of Iliyas,
 5. Chunna, son of Shamshad,
 6. Rayees, son of Gohar,
 7. Suleman, son of Gohar,
 8. Akhlaque @ Md. Akhlaque, son of Abbas,
 9. Saquib, son of Razanoor,
 10. Raji @ Md. Raji, son of Rafique @ Raffo,
 11. Mojib @ Md. Mojib, son of Rafique @ Raffo,
 12. Mojahid @ Md Mojahid Anwar, son of Rafique @ Raffo,
 13. Sajjad, son of Rafique @ Raffo,
 14. Abu Zama, son of Jamal,
 15. Masoom @ Md. Masoom Reza, son of Jamal,
- All are resident of village- Uda, P.S.- Mahalgoan, Dist- Araria
.... Petitioners

Versus

The State of Bihar
..... Opposite Party

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Appearance :
For the Petitioner/s : Mr. Ramesh Kumar Singh
For the Opposite Party/s : Mr. Ashok Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 03-11-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation for offence under sections 147, 148, 149, 341, 447, 323, 325, 307, 379. 504 of the Indian Penal Code and the admitted position that no injury has been found on the person of the informant who in fact is said to have been dragged by putting scarf (Gamchha) in his neck and that the counter version of the petitioners of being attacked by the prosecution party has also stood substantiated in terms of grievous



injury on the person of petitioner no.1, Samshad, this Court by taking into account that none of the petitioners have got any criminal antecedent would direct that if the petitioners, namely, 1. Samshad @ Shamshad Alam, 2. Shamim @ Md. Shamim Akhtar, 3. Tabrej, 4. Sajjad @ Patlu @ Md. Sajjad Alam, 5. Chunna, 6. Rayees, 7. Suleman, 8. Akhlaque @ Md. Akhlaque, 9. Saquib, 10. Raji @ Md. Raji, 11. Mojib @ Md. Mojib, 12. Mojahid @ Md. Mojahid Anwar. 13. Sajjad, 14. Abu Zama and 15. Masoom @ Md. Masoom Reza, surrender before the court below within a period of four weeks from today, they shall be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Araria in Jokihat P.S.Case No. 111 of 2015, subject to the following conditions:

(i) That the court below shall make verification of criminal antecedent of the petitioners and if it is found that they are accused in any other criminal case, they shall not be granted bail and would be taken into custody.

(ii) That both the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how they are related with the petitioners. The bailors will also undertake to inform the Court if there is any

change in the address of the petitioners.

(iii) That the bailor shall also state on affidavit that he will inform the Court concerned if the petitioners are implicated in any other case of similar nature after their release in the present case and thereafter the Court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse.

(iv) That the petitioners will give an undertaking that they will receive the police papers on the given date and be present on the date fixed for charge and if they fail to do so on two given dates and delay the trial in any manner, their bail will be liable to be cancelled for reasons of misuse.

(v) That the petitioners will be well represented on each and every date of trial and if they fail to do so on two consecutive dates, their bail will be liable to be cancelled on this ground alone.

surendra/-

(Mihir Kumar Jha, J)

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