

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40513 of 2014

Arising Out of PS.Case No. -708 Year- 2013 Thana -FULWARIYA District- PATNA

1. Md. Wasi Son of Md Shamshad
2. Md Chand Son of Md Shamshad
3. Md Saddam Son of Md Shamshad All are resident of Almijan Nagar, P.S.
Phulwarisharif, District Patna

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Roy-1, Advocate
Mrs. Usha Kumari Singh, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 04-03-2015 Heard learned counsel for the petitioners and
learned APP for the State.

2. The petitioners apprehend their arrest for
the offences alleged under Sections 452, 341, 324, 354,
336, 504, 506 and 34 IPC and Section 27 of the Arms Act
registered in connection with Phulwarisharif P.S. Case
No. 708 of 2013.

3. It is submitted that the petitioners have
been falsely implicated and in any event the thrust of
accusation of assault with sword is against Md. Kurshid.
It is further submitted that the time of occurrence as



shown in the FIR is 8.30 P.M. on 09.12.2013 the fardbeyan itself shows the time of occurrence to be at 10.15 P.M. which casts serious doubt on the veracity of the accusation. There is case and counter case between the parties.

4. Having regard to the entirety of the facts and circumstances of the case, in the event of the petitioners arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of Sri Jyoti Prakash, learned J.M. Ist Class, Patna, in connection with Phulwarisharif P.S. Case No. 708 of 2013 subject to the conditions as laid down under Section 438 (2) Cr. P.C and also subject to the following further conditions:

(i) The petitioners shall cooperate with the investigation and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(ii) The petitioners shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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