

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20937 of 2017

Arising Out of PS.Case No. -40 Year- 2016 Thana -KARJAIN District- SUPAUL

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1. Md. Kalam, Son of Md. Nur Mahmad,
2. Md. Gyas Uddin, Son of Md. Ibrahim,
3. Md. Mintullah, Son of Md. Rafeed, All are Resident of Village-
Harichakla (Gospur), P.S.- Karjain, District- Supaul.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra

For the Opposite Party/s : Mr. Sri Pranav Kumar

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 23-06-2017 Heard learned counsel for the petitioners and the
learned A.P.P. for the State.

Petitioners are languishing in judicial custody since
09.02.2017 in connection with Karjain P.S. Case No. 40/2016 for
offences alleged under Sections 147, 148, 149, 452, 341, 323, 324,
307, 379, 380, 427, 354A, 354(B), 120B, 504 and 506 of the
Indian Penal Code.

The prosecution case, as lodged by the informant, is
that a mob of about 200 people had assembled on account of some
dispute in Mukhiya election, in which 57 persons have been
named including the petitioners. The allegation upon the
petitioners is of hitting three persons by Lathi, Farsa and Dabia.

It has been submitted by the learned counsel for the



petitioners that another case bearing Karjain P.S. Case No. 39/2016 has been lodged by the informant for the same occurrence in which petitioner no. 1 and 2 have been granted the privilege of bail. He submits that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence and most of the accused have since been enlarged on pre-arrest bail.

However, learned A.P.P. for the State opposes the prayer for bail.

Considering the facts aforesaid and materials on record, let petitioners, above named, be enlarged 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 learned Judicial Magistrate, Birpur, Supaul in connection with Karjain P.S. Case No. 40/2016.

With following conditions:

- (i) One of the bailors of the petitioners shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioners will not induce any witness or tamper with the evidence.
- (iii) The petitioners shall co-operate in the disposal of trial and make themselves available as and when required by the court and on the event of failure on their part to appear before the court below on two consecutive dates



without showing any genuine reasons,
the prosecution is free to move for
cancellation of their bail.

With the aforesaid observation, this application is
allowed.

(Nilu Agrawal, J.)

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