

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7831 of 2018

Arising Out of PS.Case No. -759 Year- 2017 Thana -BHABHUA District- BHABHUA (KAIMUR)

- =====
1. Md. Javed Faruki @ Javed Faruki, Son of Islam Faruki, Resident of Village- Bhabua Ward No.13, P.S.- Bhabua, District- Kaimur at Bhabua.
 2. Md. Danis Khan @ Danis Khan, Son of Md. Nasim Khan, Resident of Village- Bhabua Ward No.25, P.S.- Bhabua, District- Kaimur at Bhabua.
 3. Shahanawaj Khan, Son of Late Wahid Khan, Resident of Village- Bhabua Ward No.15, P.S.- Bhabua, District- Kaimur at Bhabua.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Rajani Kant Pandey, Advocate

For the Opposite Party/s : Mr. Prem Kumar Jha, APP

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 27-02-2018 Heard learned counsel for the petitioners and the learned counsel appearing on behalf of the State.

The petitioners are in custody since 05.12.2017 in connection with Bhabua P.S. Case No.759 of 2017 registered for the offences under Sections 147, 148, 149, 323, 307, 379, 114, 427, 452, 354B, 295A, 153A of the Indian Penal Code.

Learned counsel for the petitioners submits that the story against the petitioners being members of the unlawful assembly in a case of communal disharmony is entirely false and fabricated and only because they were part of the other rival community in which case and counter case has been filed,



the petitioners have been roped in connection with the present case. Learned counsel further submits that in another case also, which was registered for a similar offence, the petitioners have already been extended the privilege of regular bail in Cr.Misc. No.6720 of 2018, vide order dated 06.02.2018. He thus prays that the petitioners may also be extended the same benefit in this case also.

Considering the entire facts and circumstances of the case and in view of the nature of allegations, let the petitioners, above named, be released on bail on their furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Kaimur at Bhabua, in connection with Bhabua P.S. Case No.759 of 2017, subject to the following conditions:

(1) One of the bailors will be their own blood relative, preferably, father, mother, brother, sister and/or their wife.

(2) The petitioners shall not indulge themselves in any similar offence till conclusion of the trial.

(3) The petitioners shall remain physically present in court on each and every date during trial and in the event of their failure on two consecutive dates without sufficient reasons,



their bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioners shall co-operate with the investigation, if not already concluded, 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.

(Anjana Mishra, J)

PNM

U		T	
---	--	---	--

