

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6442 of 2018

Arising Out of PS.Case No. -86 Year- 2017 Thana -KASBA District- PURNIA

=====

1. Md. Sharif, Son of Late Noor Mohammad,
2. Md. Shahnawaz, Son of Md. Hanif, Both is resident of Village-
Bhamra, P.S.- Kasba and District- Purnea.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

=====

Appearance :

For the Petitioners : Md. Helal Ahmad, Advocate.

For the Opposite Party : APP

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 07-02-2018 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners are in custody since 08.12.2017 in connection with Kasba P.S. Case No. 86 of 2017 for the offences alleged under Sections 147, 149, 341, 323, 307, 379 and 506 of the Indian Penal Code.

3. It is submitted that the petitioners have been falsely implicated and there is case and counter case between the parties. The petitioners' side have instituted Kasba P.S. Case No. 83 of 2017 two days prior to the instant F.I.R. which has been instituted belatedly relating to the same occurrence in which both sides have sustained injuries. There is land dispute between the parties. The accusation of assault has been made against as many



as seven persons including the petitioners, all being general and omnibus in nature without any specific assault being attributed to these petitioners. Similarly situated co-accused persons Md. Hanif and Md. Saddam Hussain @ Md. Saddam have been granted anticipatory bail by this Court in Cr. Misc. No. 62941 of 2017. There is one criminal antecedent of petitioner no. 1 relating to Section 379 I.P.C. and petitioner no. 2 claims clean antecedents.

4. Be that as it may, having regard to the entirety of the facts and circumstances of the case, let the petitioners above named 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 learned Chief Judicial Magistrate, Purnea, in connection with Kasba P.S. Case No. 86 of 2017, on the following conditions:-

(i) That one of the bailors shall be a close relative of the petitioners.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) That 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 without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.



(iv) The petitioners shall cooperate 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.

(Vikash Jain, J)

Md. Ibrarul/-

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

