

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24005 of 2019

Arising Out of PS. Case No.-75 Year-2018 Thana- PAHARKATTA District- Kishanganj

1. Md. Yunus Alam @ Yunus Molvi Aged about 77 years, Male, Son of Late Bassiruddin
2. Md. Imran 24, Male, Son of Md. Yunus Alam @ Yunus Molvi, Both are residents of Village - Malbasti Bhotathana, P.S.- Pharkatta, District- Kishanganj.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Diwakar Sinha, Advocate
For the State	:	APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 19-04-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 341, 323, 325, 307, 379, 506 of the Indian Penal Code registered in connection with Pharkatta P.S. Case No. 75 of 2018.

3. It is submitted that the petitioners have been falsely implicated and there is case and counter case between the parties. The accusation of assault is general and omnibus in nature without any specific assault attributed to the petitioners individually.

4. As regards petitioner no. 1, namely, Md. Yunus Alam @ Yunus Molvi, in the event of his arrest or surrender before the court below within six weeks from the date of communication of this order, let him be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Kishanganj in connection with Pharkatta P.S. Case No. 75 of 2018,



subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. and with further conditions --

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

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

(iii) That the petitioner 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, his bail bond shall be liable to be cancelled by the learned Court concerned.

(iv) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

5. As regards petitioner no. 2, namely, Md. Imran, in the event of his arrest or surrender before the court below within six weeks from the date of communication of this order, let him be released on provisional anticipatory bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Kishanganj in connection with Pharkatta P.S. Case No. 75 of 2018, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. and with further conditions --

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

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

(iii) That the petitioner 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, his bail bond shall be liable to be cancelled by the learned Court concerned.

(iv) That the petitioner shall cooperate with the



investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

6. The provisional bail shall be confirmed on verification by the learned court below that the informant has not sustained any grievous injury. In case it is found that he has sustained grievous injury, the provisional bail granted to the petitioner no. 2 shall stand automatically cancelled.

BT/-

(Vikash Jain, J)

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