

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19833 of 2019**

Arising Out of PS. Case No.-478 Year-2017 Thana- RAJAON District- Banka
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1. Md. Afjal @ Md. Afzal Ali, aged about 30 years, male, Son of Md. Ibrahim
2. Md. Anjar aged about 27 years, male, Son of Md. Ibrahim.
3. Md. Afroj aged about 34 years, male, Son of Md. Ibrahim
4. Md. Arif @ Md. Aris aged about 37 years, male, Son of Md. Ibrahim
5. Md. Iqbal aged about 37 years, male Son of Late Md. Khalil
6. Md. Ibrahim aged about 61 years, male, Son of Late Md. Islam @ Late Md. Sobrati
7. Md. Mir Saim @ Md. Saim, aged about 47 years, male, Son of Late Md. Khalil
All Resident of Village - Islamnagar (Katiyama), P.S.- Rajaun, Distt - Banka.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioners : Mr. Viveka Nandsingh, Advocate.

For the Opposite Party: Dr. Indihar Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 04-04-2019

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, 337, 379, 505/34 of the Indian Penal Code and later on Section 308 of the Indian Penal Code was added registered in connection with Rajaun P.S. Case No. 478 of 2017.

3. It is submitted that the petitioners have been falsely implicated and there is case and counter case between the



parties. There is no injury report to suggest that the injuries to the informant's side are grievous in nature. The parties are related and there is land dispute between them.

4. Considering the criminal antecedents of the petitioner nos. 3, 4 and 6 who were convicted in connection with Rajaun P.S. Case No. 136 of 2002, this Court is not inclined to grant the privilege of anticipatory bail to the petitioner nos. 3, 4 and 6. The anticipatory bail petition of petitioner nos. 3, 4 and 6 stands dismissed.

5. As regards petitioner nos. 1, 2, 5 and 7 are concerned, in the event of the petitioner nos. 1, 2, 5 and 7 arrest or surrender before the court below within six weeks from the date of communication of this order, let them 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 Sub-Divisional Judicial Magistrate, Banka in connection with Rajaun P.S. Case No. 478 of 2017, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions -

(i) That one of the bailors of each of the petitioner nos. 1, 2, 5 and 7 shall be their close relatives of the petitioners.

(ii) That the petitioner nos. 1, 2, 5 and 7 shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner nos. 1, 2, 5 and 7 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.

(iv) That the petitioner nos. 1, 2, 5 and 7 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.

(Vikash Jain, J)

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