

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.24303 of 2019**

Arising Out of PS. Case No.-528 Year-2018 Thana- KUDHNI District- Muzaffarpur

1. MD. NOOR HASAN Son of Ali Haque Sain Resident of Village - Bara Sumera Murgia Chak, P.S.- Kurahani, Distt - Muzaffarpur.
2. Md. Ejaz @ Md. Azad Son of Md. Jubair Resident of Village - Bara Sumera Murgia Chak, P.S.- Kurahani, Distt - Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Sanjay Kumar @ S.K.

For the Opposite Party/s : Mr.Arun Kumar Pandey

**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, 307,504/34 IPC and Section 27 of the Arms Act registered in connection with Kurhani (Turki O.P.) P.S. Case No. 528 of 2018.

3. It is submitted that the petitioners have been falsely implicated and in any event the thrust of accusation of firing is on co-accused Md. Jubair, as such the ingredients of the offence under the Arms Act are not applicable to the petitioners. Further accusation of assaulting the informant's sister with hockey stick is on co-accused Md. Hasan. The accusation of assault against the petitioners of *lappad thappad* are general and omnibus in nature. The petitioners claim clean antecedents.

4. Be that as it may, in the event of the petitioners arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners 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 ACJM West-cum-Sub Judge 3<sup>rd</sup>, Muzaffarpur in connection with Kurhani (Turki O.P.) P.S. Case No. 528 of 2018 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 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 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.
- iv. 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.

**(Vikash Jain, J)**

Chandran/-

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