

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31532 of 2019**

Arising Out of PS. Case No.-30 Year-2019 Thana- AMDABAD District-
Katihar

- =====
1. NEK MOHAMMAD, aged 48 years, male, Son of Late Haji Samad Resident of Kadhal Bari, P.S. - Amdabad, District- Katihar
 2. Md. Rafique, age 45 years, male, Son of Late Fazlu Haque Resident of Kadhal Bari, P.S. - Amdabad, District- Katihar

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioners : Mr. Sanjeev Kumar Singh, Advocate.
For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 15-05-2019 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 147, 148, 149, 323, 307, 379, 354 of the Indian Penal Code and Section 27 of the Arms Act registered in connection with Amdabad P.S. Case No. 30 of 2019.

3. It is submitted that the petitioners have been falsely implicated on the specific accusation having fired on the leg of the informant causing injury. It is submitted that the injury report of the informant however discloses injuries of simple nature caused by hard blunt substance, which does not corroborate the accusations against the petitioners. Other co-accused persons who are said to have assaulted with lathi-danda have been granted anticipatory bail by this Court in Cr. Misc. No. 21713 of 2019. 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 Sri Dharmendra Singh, learned Judicial Magistrate 1st Class, Katihar in connection with Amdabad P.S. Case No. 30 of 2019, 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 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 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)

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