

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45476 of 2019

Arising Out of PS. Case No.-45 Year-2019 Thana- TARABARI District- Araria

1. SHARIQUE @ SHARIKH @ SHARIK Son of Abu Saama Resident of Village - Jhamta, Ward No. -12, P.S.- Tarabari, District- Araria
2. Sadik Son of Abu Saama Resident of Village - Jhamta, Ward No. -12, P.S.- Tarabari, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Jai Shanker Prasad
For the State	:	Dr.Mrityunjaya Kr.Gautam
For the Informant	:	Mr. Anil Prasad Singh

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 23-07-2019 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, 341, 323, 324, 325, 326, 307, 354(B), 379, 504, 506 IPC registered in connection with Tarabari P.S.Case No. 45 of 2019.

3. It is submitted that the petitioners have been falsely implicated in the backdrop of petty disputes and there is case and counter case between the parties. The FIR has been instituted against as many as 17 persons. The injury attributed to petitioner no. 1 is simple in nature and there is no final injury report of C.T. scan on record to corroborate the accusation with regard to the assault attributed to the petitioner no. 2 upon Alim Murtaza on the head with farsa. 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 petitioner no.1 be released on bail and the petitioner no. 2 on provisional bail on



furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned SDJM, Araria, in connection with Tarabari P.S. Case No. 45/2019, 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 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, his bail bond shall be liable to be cancelled by the learned Court concerned.

5. The provisional bail granted to the petitioner no. 2 shall be confirmed by the learned Court below upon verification within a further period of four weeks after furnishing bail bond, that Alim Murtaza is not received grievous injury on his head with sharp object. In case any grievous injury is found, his bail bond shall stand automatically cancelled.

(Vikash Jain, J)

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