

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57873 of 2019

Arising Out of PS. Case No.-92 Year-2019 Thana- PHULWARIA District- Begusarai

1. MD. TAUFIQUE @ MD. NIKKU @ NIKKU Son of Md. Mahboob Resident of village- Fulwaria, 01 ganj, Ward no. 11, P.S. Fulwariya, Distt. Begusarai.
2. Md. Eqramul @ Md. Iquramul Son of Md. Isamul Resident of village- Fulwaria, 01 ganj, Ward no. 11, P.S. Fulwariya, Distt. Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam, Adv.

For the Opposite Party/s : Mr.Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 12-09-2019 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehends their arrest for the offences alleged under Sections 147, 149, 341, 323, 324, 307, 379, 504, 506 of the Indian Penal Code registered in connection with Fulwaria P.S. Case No. 92/2019.

3. It is submitted that the petitioner has been falsely implicated and there is case and counter case between the parties, who are co-villagers. The Petitioner No.1 is said to have assaulted Md. Azhar on the foot while the petitioner no.2 is said to have fired upon Md. Abbas (the informant). The injury report of Md. Abbas (the informant) does not disclose any firearm



injury, however the final opinion for both Md. Abbas (the informant) as well as Md. Azhar are pending for X-ray.

4. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on provisional bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Begusarai in connection with Fulwaria P.S. Case No. 92/2019, 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 petitioner.

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

(iii) 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.

(iv) 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.

5. The provisional bail granted to the petitioners shall be confirmed by the learned court below upon verification within a further period of four weeks after furnishing bail bonds, that no grievous injuries has been caused to the injured persons namely, Azhar and Abbas. In case grievous injuries is found, their bail bonds shall stand automatically cancelled.

(Vikash Jain, J)

Prakash Narayan /-

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