

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62963 of 2019

Arising Out of PS. Case No.-504 Year-2019 Thana- FORBESGANJ District- Araria

1. MD. MUKHTAR @ MUKHTAR S/o Abdul Gaffar @ Md. Gaffar R/o village- Arraha, Ward No. 5, P.S.- Forbesganj, District- Araria
2. Abdul Gaffar @ Md. Gaffar S/o Late Nurul Hoda R/o village- Arraha, Ward No. 5, P.S.- Forbesganj, District- Araria
3. Md. Abbas S/o Late Nurul Hoda R/o village- Arraha, Ward No. 5, P.S.- Forbesganj, District- Araria
4. Md. Zakir S/o Md. Abbas R/o village- Arraha, Ward No. 5, P.S.- Forbesganj, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Naushad Uzzoha

For the Opposite Party/s : Mr.Anita Kumari

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 17-10-2019 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, 149, 341, 323, 324, 307, 354, 379 and 427 of the Indian Penal Code, registered in connection with Forbesganj P.S.Case No. 504 of 2019.

3. It is submitted that the petitioners have been falsely implicated in the backdrop of land dispute. The parties are neighbours. The accusations of assault are general and omnibus in nature without any specific assault being attributed



individually. In any event the injuries sustained by all the four persons are simply in nature. Petitioner nos. 1 to 3 are accused in one prior case lodged by the informant of the present case, whereas petitioner no.4 claims clean antecedents.

4. It is submitted by the informant that he has sustained grievous injury.

5. Be that as it may, in the event of petitioners' arrest or surrender within four weeks hereof, let the above named petitioners be released on provisional bail on furnishing bail bonds of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Forbesganj P.S. Case No. 504 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 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) 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.

6. 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 injury has been sustained by the informant, conversely their bail bonds shall stand automatically cancelled.

(Vikash Jain, J)

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