

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62919 of 2019

Arising Out of PS. Case No.-220 Year-2019 Thana- KISHANGANJ District- Kishanganj

1. MD. RAFIQUE S/o Md. Yunus Resident of Nuniya Basti, P.S. and District- Kishanganj
2. Riyazuddin S/o Md. Rafique Resident of Nuniya Basti, P.S. and District- Kishanganj
3. Nezamuddin @ Niyazuddin S/o Md. Rafique Resident of Nuniya Basti, P.S. and District- Kishanganj
4. Aaturi Khatoon W/o Md. Rafique Resident of Nuniya Basti, P.S. and District- Kishanganj
5. Abdul Mallik S/o Late Yunus Resident of Nuniya Basti, P.S. and District- Kishanganj
6. Lukman Ali S/o Abdul Mallik Resident of Nuniya Basti, P.S. and District- Kishanganj
7. Dil Raushan W/o Abdul Mallik Resident of Nuniya Basti, P.S. and District- Kishanganj
8. Muzamil Haque @ Majmil Haque S/o Safique Resident of Nuniya Basti, P.S. and District- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dilip Kumar Singh
For the Opposite Party/s : Mr.Anuj Kumar Shrivastava

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 18-10-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 341, 323, 307, 504,506/34 of the Indian Penal Code registered in connection with Kishanganj P.S. Case No. 220 of 2019.

3. It is submitted that the petitioners have been falsely implicated on the accusation of committing assault upon the informant and his son. It is submitted that the accusation of assault is general and omnibus in nature without any specific assault attributed individually.



The injuries sustained by the informant's son are simple in nature. As far as the informant is concerned, the injury on his left leg being a non-vital part of the body, was opined to be grievous in nature and as such the ingredients of the offence under Section 307 of the Indian Penal Code are not made out. 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 CJM, Kishanganj in connection with Kishanganj P.S. Case No. 220 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. The petitioner nos. 1, 2, 3, 5, 6 and 8 shall remain physically present in Court on each and every date during trial and the petitioner nos. 4 and 7 shall be well represented in Court on each and every date during trial except as and when directed by the learned Court below to be physically present, 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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