

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62850 of 2019

Arising Out of PS. Case No.-336 Year-2019 Thana- KISHANGANJ District- Kishanganj

1. Aarif Khan @ Sanu, Son of Nasim Khan, Resident of Village - Thakurganj, P.S.- Thakurganj, District - Kishanganj
2. Mustafa @ Gulam Mustafa @ Md. Gulam Mustafa, Son of Late Tamizuddin, Resident of Village - Baluchuka, P.S.- Goalpokhar, District - Uttar Dinajpur (West Bengal)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Radha Mohan Singh, Advocate
For the Opposite Party/s : Mr.Binod Kumar, APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 20-12-2019 Heard learned counsel for the petitioners and the learned counsel appearing on behalf of the State.

The petitioners are in custody since 12.07.2019 in connection with Kishanganj P.S. Case No.336 of 2019 registered for the offence under Sections 147, 148, 149, 341, 323, 332, 333, 353, 337, 338, 384, 307 of the Indian Penal Code.

Learned counsel for the petitioners submits that the present petitioners were arrested from their office in West Bengal and the allegation against them is that they had assaulted the police personnel. It is further submitted that they were made to accept their guilt in front of the police,



which has no evidentiary value. It is further submitted that the allegation with regard to having participated in demand of *Rangdari* is also unfounded and there is nothing to support the said allegation. Learned counsel for the petitioner further submitted that against petitioner no.1, there are two cases in which he has been granted bail and so far as petitioner no.2 is concerned, there are seven cases against him, out of which two cases have been lodged in West Bengal and other five cases have been lodged in Bihar, in which out of five, in four cases he has already been extended the privilege of bail. It is further submitted that the petitioners shall co-operate at all times in the investigation and also not hinder the progress of the trial which shall ensue hereinafter and shall make themselves available as and when required.

Considering the aforementioned facts and circumstances of the case, let the petitioners, above named, be released on bail on their furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Kishanganj, in connection with Kishanganj P.S. Case No.336 of 2019, subject to the following conditions:

(1) So far as Petitioner No.1 is concerned, one of



the bailors will be his father. So far as Petitioner No.2 is concerned, one of his bailors will be his blood relative, preferably, mother, brother, sister and/or their wife.

(2) The petitioners shall not indulge themselves in any similar offence till conclusion of the trial.

(3) The petitioners shall remain physically present in court on each and every date during trial and in the event of their failure on two consecutive dates without sufficient reasons, their bail bonds shall be liable to be cancelled by the learned court concerned.

(4) 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.

(Anjana Mishra, J)

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