

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1298 of 2020

Arising Out of PS. Case No.-247 Year-2019 Thana- BAKHTIYARPUR District- Patna

1. Mohammad Akhtar Son of Late- Mohammad Ismail Resident of Village- Chak Daulat, P.S.- Bakhtiarpur, District- Patna.
2. Mohammad Kamruddin Son of Mohammad Akhtar Resident of Village- Chak Daulat, P.S.- Bakhtiarpur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 24-02-2020 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners apprehend their arrest in **Bakhtiarpur P.S. Case No. 247 of 2019**, registered for the offence punishable under Section 302/34 of the Indian Penal Code.

It is alleged that all the accused persons including these petitioners came at the house of informant and Mohammad Zahid and Vicky Alam fired upon the chest of informant's wife, as a result of which she died on the spot.

It is submitted by learned counsel appearing on behalf of petitioners that petitioners have falsely been implicated in this case. Specific accusation of firing is against Md. Zahid and



Vicky Alam. Petitioner no. 1 is father of informant and petitioner no. 2 is step brother of informant. There is land dispute between the parties. There is case and counter case. Petitioners have got clean antecedent.

Considering the facts aforesaid, the petitioners above-named, in the event of their arrest/surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned **Additional Chief Judicial Magistrate Barh, Patna** in connection with **Bakhtiarpur P.S. Case No. 247 of 2019**, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure with further conditions:-

(i) The petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, their bail bonds shall be liable to be cancelled by the court below.

(ii) If the petitioners tamper with the evidence or the



witnesses of the case, in that case, prosecution will be at liberty
to move for cancellation of bail of the petitioners.

(Prabhat Kumar Singh, J)

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