

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6631 of 2020

Arising Out of PS. Case No.-138 Year-2019 Thana- SONBERSA District- Sitamarhi

1. MD. PHOOL @ NADIUZZAMAN @ Md. Nadimuzzaman, Son of Md. Ismail @ Md. Ismail Sheikh
2. Md. Afroz @ Md. Afroz Alam @ Afroz, Son of Md. Mahmaood Sheikh
Both Residents of Village - Hanuman Nagar, P.S.- Sonbarsa, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashhar Mustafa
For the Opposite Party/s : Mr.Anil Kumar Singh No. 1

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

2 01-07-2020 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 147, 148, 149, 341, 323, 324, 325, 307, 354, 427, 379, 504 and 506 of the Indian Penal Code.

Allegation against petitioners is to have inflicted *tengari* blow upon Md. Rajaullah and Md. Zahirul, who are uncle of the informant, as a result of which they sustained head injuries.

It has been submitted on behalf of the petitioners



that they are innocent and have falsely been implicated in this case. It is further submitted that it is clear from the injury report that no external injury was found on the person of any of the so called injured persons. Similarly placed co-accused Mahid Hassan has already been granted anticipatory bail by a co-ordinate Bench of this Court as contained in Annexure 3. Petitioners have no criminal antecedent.

Considering the aforesaid facts and circumstances of the case, let the petitioners named above be released on anticipatory bail, in the event of their arrest or surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 20,000/- each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Sonbarsa P.S. Case No.138/2019 subject to the condition as laid down under Section 438(2) of the Cr.P.C with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioners shall co-operate in the trial and shall be present on each and every date fixed by the court and their absence on two consecutive dates without proper and reasonable



reason will be sufficient to cancel their bail bonds.

(3) 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.

(S. Kumar, J)

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