

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75658 of 2019

Arising Out of PS. Case No.-390 Year-2019 Thana- NARPATGANJ District- Araria

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1. MD. RAHIL @ RAHIL Son of Md. Jameel Resident of - Sonapur (Near Ring Banch), P.S.- Bathnaha (O.P.), Distt - Araria.
 2. Md. Israel @ Israel Son of Md. Jameel Resident of - Sonapur (Near Ring Banch), P.S.- Bathnaha (O.P.), Distt - Araria.
 3. Md. Jameel @ Jameel Son of Late Yakub Resident of - Sonapur (Near Ring Banch), P.S.- Bathnaha (O.P.), Distt - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumari Ritambhara

For the Opposite Party/s : Mr.Ram Bilash Roy Raman

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

4 06-03-2020 Ms. Kumari Ritambhara, learned counsel for the petitioners states that the petitioner no.2 has already been arrested and seeks permission to withdraw the anticipatory bail petition as against petitioner no.2 as the same has become infructuous.

2. Permission is accorded. Anticipatory bail petition as against petitioner no. 2 is permitted to be withdrawn and is dismissed as such.

3. Heard learned counsel for the petitioner nos. 1 and 3 and learned APP for the State.

4. The petitioner nos. 1 and 3 apprehend their arrest



for the offences alleged under Sections 341, 323, 324, 354(A), 354(B), 379/34 and 504 of the Indian Penal Code, registered in connection with Narpatganj P.S. Case No. 390 of 2019.

5. It is submitted that the petitioner no.1 and 3 have been falsely implicated on the accusation of assault on the informant. The petitioner no.1 is said to have assaulted with *farsa* while the accusation of assault by petitioner no.3 is general and omnibus. It is submitted that the parties have been on inimical terms and in the past the petitioners' side had filed Narpatganj P.S. Case No. 283 of 2003 and Complaint Case No. 500 of 2004 which has since been compromised. The petitioner nos. 1 and 3 claim clean antecedents.

6. Learned APP appears and has been heard. He refers to paragraph 16 of the case diary containing the injury report of Md. Hamid which discloses the injury to be of simple nature.

7. Be that as it may, in the event of arrest or surrender of petitioner nos. 1 and 3 before 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 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 Narpatganj P.S. Case No.



390 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 petitioner nos. 1 and 3.

(ii) That the petitioner nos. 1 and 3 shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner nos. 1 and 3 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 petitioner nos. 1 and 3 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.

(Vikash Jain, J)

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