

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.587 of 2020

Arising Out of PS. Case No.-348 Year-2019 Thana- SAKRA District- Muzaffarpur

1. Md. Tabrej Ahmad Khan @ Tabrez Khan Son of Mojibur Rahman Khan @ Md. Mojibur Rahman Khan
 2. Md. Mojibur Rahman Khan @ Mojibur Rahman Khan Son of Md. Murtuza Khan
 3. Md. Imteyaz Khan Son of Mojibur Rahman Khan @ Md. Mojibur Rahman Khan
- All are residents of Village - Dihuli Ishak, P.S.- Sakra, Distt.- Muzafferpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Shahnawaz Ali
For the Opposite Party/s : Mr.Narendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 18-02-2020 Heard learned counsel for the parties.

Petitioners apprehend their arrest in a case registered for the offence punishable under sections 341, 323, 504, 506, 307 and 34 of the Indian Penal Code.

Prosecution case, in brief, is that the informant was sitting in his shop at his house along with his son Moid Ahmad Khan, when the accused persons having lathi-danda came there and assaulted them. It has further alleged that Md. Mojibur Rahman Khana and Fardin Khan also came and they also began to assault the informant and his son by lathi-danda and also began to abuse. It has further alleged that they were threatened



to kill and Md. Imteyaz Khan and Rahman Khan inflicted blow on the head of the son of informant by Ara and Iron rod.

It has been submitted on behalf of the petitioners that petitioners have falsely been implicated in this case. It has further been submitted that there is case and counter case between the parties and the petitioners have also lodged a Complaint No. 2041 of 2019 against the informant and others. It has further been submitted that there is inordinate delay of three days in lodging FIR without plausible explanation. The petitioners have no criminal antecedent.

Learned counsel for the informant opposes the prayer for bail of the petitioners and submits that specific allegation is against petitioner no.3, namely, Md. Imteyaz Khan and allegation of assault is against other petitioners.

In view of the nature of allegation against the petitioner no.3 and the fact the specific allegation is against petitioner no.3, namely, Md. Imteyaz Khan, the prayer for bail is refused.

Accordingly, this application for bail is rejected as against petitioner no.3.

So far as petitioner nos.1 and 2 are concerned, considering the aforesaid facts and circumstances as well as



nature of accusation, in the event of their arrest/surrender within a period of six weeks from today, let the above named petitioner no.1 and 2 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 ACJM-IV, Muzaffarpur in connection with Sakra P.S. Case No.348 of 2019 on the following conditions:-

(1) Petitioner nos.1 and 2 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

(2) If the petitioner nos.1 and 2 tamper with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

S.Katyayan/-

U		T	
---	--	---	--

