

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.8851 of 2021**

Arising Out of PS. Case No.-900 Year-2017 Thana- FORBESGANJ District- Araria

1. MD. YUSUF SON OF LATE JUMMAN RESIDENT OF VILLAGE-
GANJBHAG, WARD NO. 10, P.S.- SIMRAHA, FORBISGANJ,
DISTRICT- ARAIRA.
2. MD. MURSID SON OF MD. YUSUF RESIDENT OF VILLAGE-
GANJBHAG, WARD NO. 10, P.S.- SIMRAHA, FORBISGANJ,
DISTRICT- ARAIRA.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Samir Kumar,Advocate
For the Opposite Party/s : Mr.Dilip Kumar No. 1,APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 04-05-2021 Learned counsel for the petitioners undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and Mr. Dilip Kumar No. 1, learned APP for the State.

The petitioners in the present case are seeking regular bail in connection with Forbesganj Simraha P.S. Case No. 900 of 2017 registered for the offences punishable under Sections 341, 323, 307, 354, 504, 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that from the First Information Report, it will appear that the informant has named altogether 10 persons including these two petitioners who had entered in her house in absence of her husband. In the first part of the



FIR, there are general and omnibus allegations that all the accused persons had started abusing her and also physically assaulted her because of a land dispute. It is alleged that petitioner no. 1 was holding her and accused nos. 2 and 4 hit on her head with an iron rod after which she got injuries. Allegations are that other accused were trying to kill her through tangling a rope in her neck and dragging her to their house.

Learned counsel for the petitioners submits that so far as these two petitioners are concerned, in course of investigation police did not find sufficient materials to proceed against them, therefore, a final form was submitted vide Annexure '3' but thereafter cognizance was taken and summons were issued against all accused including these petitioners.

Learned counsel further points out that co-accused Md. Khursid, Md. Mukhtar, Md. Asfaque and Md. Irfan Alam have been granted anticipatory bail vide Cri. Misc. No. 73353 of 2018 and Cri. Misc. No. 39636 of 2018. It is alleged that because of land dispute which is admitted in the FIR, the prosecution side has implicated these petitioners along with other co-accused.

As regards the criminal antecedents of these petitioners, it is submitted that on perusal of paragraph '3' it would appear that those are of petty nature and in all those cases the petitioners have been granted bail.

Learned APP for the State has though opposed the prayer



for regular bail of the petitioners, however, from the materials on record it appears that police had not found sufficient materials to proceed against the petitioners and in the FIR the specific allegation of causing assault by rod and dabia on the head of the informant has been made against co-accused Md. Israfil and Md. Afroz, in the nature of the materials available on the record, considering that these petitioners have remained in jail for a period of more than 7 months, investigation against them is complete and at this stage they are ready to abide by the terms and conditions which may be imposed upon them for purpose of bail, this Court directs release of the petitioners above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) each with two sureties of the like amount each to the satisfaction of learned C.J.M, Araria, in connection with Forbesganj Simraha P.S. Case No. 900 of 2017, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly make and inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to



the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

And further condition that in course of trial, the petitioners shall put their appearance before the learned trial court on each and every date fixed in the matter. Two consecutive defaults in putting appearance shall invite action towards cancellation of bail by the learned court below.

The application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'

