

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9964 of 2022

Arising Out of PS. Case No.-220 Year-2017 Thana- JOKIHAT District- Araria

1. Firdosh Son Of Masrul R/O Village- Thapkol, P.S.- Jokihat, District- Araria.
2. Naushad @ Md. Naushad Son Of Late Wali Mohammad R/O Village- Gamhariya, P.S.- Jokihat, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Naushad Uzzoha
For the Opposite Party/s : Mr. A.G

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 29-11-2022 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

The petitioners apprehend their arrest in a case
registered for the offences punishable under Section 448, 341,
452, 323, 324, 307, 379, 354B, 504, 506, 34 of the Indian Penal
Code.

According to prosecution case, in brief, is that on
30.06.2017 while the informant was sitting in her courtyard her
co-villager five named accused persons and five unnamed
persons came there armed with Lathi, danda and farsa and
began to abuse her and upon protest, the accused Masrul pulled



her down and tore her clothes and assaulted the informant due to which she received injury and started bleeding. Accused Mehjabi snatched the golden chain from the neck of the informant and the accused persons also took away the household articles.

Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against all the accused persons including the petitioners. He further submits that the present case is counter blast of Complaint Case No. 1480 of 2017 filed by one co-accused namely, Majhabhi against the informant and their family members. He further submits that similarly situated, co-accused, namely, Masrul and Mahjabi have been granted bail by a co-ordinate Bench of this Court vide order dated 31.10.2017 passed in Cr. Misc. No. 46003 of 2017 and the case of the petitioner is similar footing.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of their arrest or



surrender within a period of four weeks, be released on anticipatory 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 Court below where the case is pending in connection with Jokihat P.S. Case No. 220 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:-

1. 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 on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. 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.

(Rajesh Kumar Verma, J)

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