

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32093 of 2021

Arising Out of PS. Case No.-126 Year-2020 Thana- KUNDWACHAINPUR District- East
Champaran

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1. Md.Faiyaz Son of Md. Vigan Resident of Village - Sishani, P.S.- Kundwa Chainpur, Distt.- East Champaran.
 2. Md. Obaid @ Md. Obaidullah Son of Md. Fekan Resident of Village - Sishani, P.S.- Kundwa Chainpur, Distt.- East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Pandey, ADvocate

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-06-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners and learned APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 341, 323, 324, 307, 504, 506/34 of the Indian Penal Code.

As per prosecution case, in short, is that the informant Md. Ekbal was sitting on bridge on 12.08.2020 situated in Sarch of his village. In the meantime, two accused petitioners came there and due to previous enmity some scuffle took place between them and accused md. Faiyaz gave knife blow aiming



neck of the informant, which was ward off and knife blow bit on his nose causing cut injury. Further accused Faiyaz assaulted the informant with kick and fat and he also gave indiscriminate knife blow on his causing injury on his forehead, flank etc. Thereafter, the informant started fleeing away from there raising noise and both the accused petitioners chased and assaulted him and they threatened of dire consequences.

Learned counsel for the petitioners submits that the petitioners have clean antecedents and they has been falsely implicated in the present case. He further submits that it appears from the F.I.R. itself that there was enmity between the parties and the allegation as alleged in the F.I.R. does not support the medical report.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Kundwa Chainpur P.S. Case No. 126 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of



Criminal Procedure and with other 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 bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, 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 antecedents, 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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