

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23294 of 2022

Arising Out of PS. Case No.-74 Year-2020 Thana- KAJRAILICHAK District- Bhagalpur

1. Sadika @ Sadika Khatoon D/o Md. Waziruddin Resident of Village - Simariya, P.s.- Kajraili, Distt.- Bhagalpur.
2. Md. Nematullah Son of Md. Waziruddin Resident of Village - Simariya, P.s.- Kajraili, Distt.- Bhagalpur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Md. Najmul Hodda, Advocate.
For the Opposite Party/s : Mr. Ashok Kumar Singh, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 28-07-2022 Let the defect, if any, be removed within two weeks from today.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners seek regular bail in connection with Kajraili P.S. Case No. 74 of 2020 lodged under Sections 147, 341, 323, 325, 379, 447, 427, 504 and 302 of the Indian Penal Code.

The prosecution case is that, on 17.11.2020 the neighbor of the informant namely Waziruddin was constructing Chajja in the land of the informant, upon which the mother of the informant requested to stop the construction work. It has been further alleged that accused persons including the petitioners assaulted mother-in-law of the informant and it was

alleged that the petitioners along with other accused persons entered in the house of the informant and damaged the kitchen, looted the jewellery and cash of Rs. 10,000/-.

Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. They have falsely been implicated in this case. There was admittedly land dispute going on between the parties and the entire matter is related to land dispute. It has been further alleged that there is no specific allegation against the petitioners rather a complete general and omnibus allegations are being made.

Learned counsel for the State opposes the prayer for bail and submits that consideration may be made on the Co-ordinate Bench of this Court.

Considering the facts and circumstances and the submissions made above, let the petitioners above named, be granted bail on furnishing bail bonds of Rs.20,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-XIV, Bhagalpur, in connection with Kajraili P.S. Case No. 74 of 2020, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall

appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall resulted into cancellation of his bail bond.

B. One of the bailor shall be close relative who shall file affidavit before the court about his relation with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

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