

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25983 of 2022

Arising Out of PS. Case No.-327 Year-2021 Thana- KRITYANAND NAGAR District-
Purnia

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1. MD. KASIMUDDIN Son of Md. Suber Khan Resident of village - Mogal Toli, P.S.- K. Nagar, District - Purnea
 2. Md. Chand Khan Son of Md. Suber Khan Resident of village - Mogal Toli, P.S.- K. Nagar, District - Purnea
 3. Md. Suber Khan @ Suber Khan Son of Md. Halim Khan Resident of village - Mogal Toli, P.S.- K. Nagar, District - Purnea
 4. Md. Sonu @ Sonu Khan @ Mustafa Khan Son of Moti Khan Resident of village - Mogal Toli, P.S.- K. Nagar, District - Purnea
 5. Chhotu Khan @ Sahbaj Khan Son of Md. Gyas Khan Resident of village - Mogal Toli, P.S.- K. Nagar, District - Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Advocate
For the Opposite Party/s : Mr. Jagdhar Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-11-2022 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioners is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

The petitioners are apprehending their arrest in a case
registered for the offences punishable under Sections 147, 148,
149, 341, 323, 325, 307, 379, 504 and 506 of the Indian Penal
Code.



According to prosecution case, on 30.07.2021, the son of the informant was returning to his house where he felt disturb by petitioner No. 2 and asked him to walk on the road and on that, all accused persons caught the son of the informant and started assaulting him and snatched cash of Rs. 25,000/- and touch screen mobile and blow iron rod on the head of the second son of the informant.

Learned counsel for the petitioners submits that the petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that there is case and counter case between the parties and there is general and omnibus allegation against the petitioners and the injury report of the victim suggests that the injury is simple in nature.

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 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/- (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 K. Nagar P.S. Case No. 327 of 2021, 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioners tampers 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 petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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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