

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26565 of 2022

Arising Out of PS. Case No.-512 Year-2020 Thana- SIKARPUR District- West Champaran

1. Sajjad Alam @ Sahjad Alam @ Sahjad Sai Son of Nurlah Sai @ Nurullah Sai Resident of Village - Sitwapur, P.s.- Sikarpur, Distt.- West Champaran.
2. Waseem Ahmad @ Rinku Alam Son of Nasurallah Sai @ Nasrullah Sai Resident of Village - Sitwapur, P.s.- Sikarpur, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Ms. Anita Kumari Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-11-2022 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 448, 341, 323, 354, 380 and 34 of the Indian Penal Code.

According to prosecution case, on 19.02.2022, two accused persons entered into the house of Samsun Nesha and took Rs. 20,000/- from her house. When she tried to prevent them, they tore her clothes and snatched ear rings from her ear



and fled away.

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 the allegation alleged in the F.I.R. is false and fabricated. In fact, the present case is counter blast of the Shikarpur P.S. Case No. 511 of 2020 filed by the father of the petitioners against the informant and other family members.

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 Shikarpur P.S. Case No. 512 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 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 petitioners have concealed their 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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