

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28231 of 2022

Arising Out of PS. Case No.-291 Year-2021 Thana- DAGARUA District- Purnia

1. NASIM S/o Late Rasid @ Late Md. Rasid Resident of Village- Dagarua, Ward No.02, P.S.- Dagarua, District- Purnea.
2. Manzoor S/o of Late Dukhai Resident of Village- Dagarua, ward No.02, P.S.- Dagarua, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bipin Kumar, Adv.

For the Opposite Party/s : Mr.Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-11-2022 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offence under Sections 448, 341, 323, 324, 307, 379, 354, 504 and 506 of the Indian Penal Code.

The petitioners are alleged to have assaulted the informant and his family members with iron rod and sword resultantly they sustained injuries.

Learned counsel appearing for the petitioners submits that the petitioners, who are of clean antecedent, are innocent and have falsely been implicated in this case. He further submits that the present case is counter blast of



Dagarua P.S. Case No. 286 of 2021 lodged by the co-accused, Nijam against the relative of the informant. He further submits that both the parties are co-sharers and there is admitted land dispute between them. He further submits that the injuries sustained by the informant side do not corroborate with the allegation levelled in the F.I.R. and the injuries are said to be simple in nature. Hence, the petitioners may be granted the privilege of anticipatory bail.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the, above named, petitioners in the event of arrest of surrender before the court below within a period of four weeks from the date of 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 learned Court below where the case is pending in connection with Dagarua P.S. Case No. 291 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C. as also with 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 canceled 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.

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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