

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28199 of 2022

Arising Out of PS. Case No.-423 Year-2021 Thana- DUMRA District- Sitamarhi

1. Md. Mazhar Hussain Son of Md. Abdul Hussain Resident of Village - Berwas, P.S.- Dumra, Distt.- Sitamarhi.
2. Murtaza Ali Son of Md. Islam Siddiki Resident of Village - Berwas, P.S.- Dumra, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deovind Kumar Singh, ADvocate
For the Opposite Party/s : Mrs. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 26-09-2022 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.

Petitioners seek bail in a case registered for the offences punishable under Sections 341, 323, 307, 379, 354, 337, 338, 504, 34 of the Indian Penal Code.

As per complaint case, petitioner no. 1 assaulted the father of informant on his head by means of sword causing bleeding injury and petitioner no. 2 assaulted him on his head by means of iron rod.

Learned counsel for the petitioners submit that the



petitioners have been falsely implicated in the present case. He further submits that there is admitted land dispute between the parties and there is case and counter case. He further submits that in fact the date of occurrence is on 18.05.2021 but the present complaint is filed on 25.08.2021 after delay of more than three months but no explanation is given in the complaint petition and pursuant to the complaint petition the present F.I.R. was instituted on 01.11.2021. He further submits that the alleged date of occurrence there was no intention to kill the informant or any other family members of the informant. He further submits that the injury report suggests that some of the injury is simple in nature and one of the injury is grievous in nature. He further submits that co-accused persons namely Abdul Hussain and Md. Mostakim have been granted anticipatory bail vide order dated 29.08.2022 in Cr. Misc. No. 17330 of 2022 and the police after investigation submitted chargesheet against the petitioners and the petitioners are in custody since 08.02.2022.

Learned APP for the State has opposed the prayer for bail of the petitioners and submits that the petitioners carries one more cases other than the present one.

Considering the facts and circumstances of the case, let the petitioners, above named, 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 Dumra P.S. Case No. 423 of 2021, 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 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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