

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29188 of 2022

Arising Out of PS. Case No.-442 Year-2021 Thana- BIHAR District- Nalanda

1. MD. SHAIFFE S/o Md. Naiyar
2. Md. Sarik S/o Marhum Ismail
3. Md. Sajan Malik S/o Md. Mokid Malik
All Resident of Baignabad, P.S.- Bihar, Distt.- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sushen Kumar Keshri, Advocate
For the Opposite Party/s : Mr.Rajendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-11-2022 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 Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 341,323,325,308/34 of IPC.

The prosecution case, in short, is that on 20.07.2021 all the FIR named accused persons including the petitioners told the informant to go with them for some work. On denial by the informant, the accused persons pointed pistol and forcibly sat him on motorcycle and took him to Mohalla-Kumkum Nagar



and assaulted him by Danda, Rod and Butt causing injury to his head and legs.

Learned counsel for the petitioners submits that petitioner No.1 has clean antecedent. Petitioner Nos.2 and 3 have two more cases other than the present one. They have falsely been implicated in the present case. Further submits that due to petty matter, the present FIR has been instituted by the informant. In fact the petitioners and informant are closed friends and it appears from the FIR that there is no specific allegation against these petitioners. There is general and omnibus allegation against these petitioners. Further submits that all the Sections of the IPC are bailable except Section 308 of IPC and same is not attracted against these petitioners.

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

Considering the facts and circumstances of the case, 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 learned court below where the case is pending in connection



with Bihar P.S.Case No.442 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 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 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 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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