

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46823 of 2021

Arising Out of PS. Case No.-82 Year-2021 Thana- BARARI District- Katihar

1. AKABAR ALI S/o Abdul Samed R/o village- Maulanachak, Gurmela, P.S.- Barari, District- Katihar
2. Tafijul @ Md. Tafajul S/o Abdul Samed R/o village- Maulanachak, Gurmela, P.S.- Barari, District- Katihar
3. Tasbur @ Md. Tasauddin S/o Abdul Samed R/o village- Maulanachak, Gurmela, P.S.- Barari, District- Katihar

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Nurul Hoda, Adv.

For the Opposite Party/s : Mr.Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 07-04-2022 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seek bail in a case registered for the offence under Sections 302/34 of the Indian Penal Code.

The son of the informant is said to have been brutally assaulted by the F.I.R named accused persons as a result of which he died during course of treatment.

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. In fact, the petitioners happen to be full brother of the



deceased and they have falsely been implicated in this case on account of land dispute. He further submits that, in fact, there is no eye witness to the alleged occurrence. He further submits that co-accused, namely, Md. Jamil, who happens to be father-in-law of petitioner No.1, has been exonerated by the police after investigation. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioners. The petitioners are rotting in judicial custody since 26.04.2021.

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 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 Barari P.S. Case No. 82 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 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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