

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37434 of 2022

Arising Out of PS. Case No.-61 Year-2021 Thana- DANDKHORA District- Katihar

1. Md. Anwar S/o Md. Muslim, Resident of Village- Kandharpailli, P.S.- Dandkhora, District- Katihar.
2. Md. Akbar @ Ullu S/o Md. Muslim, Resident of Village- Kandharpailli, P.S.- Dandkhora, District- Katihar.
3. Md. Shaibul @ Md. Sabul @ Md. Saibul S/o Kare @ Md. Karu @ Md. Shahabuddin, Resident of Village- Margi (Musapur) Madharpur, P.S.- Korha, District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Adv.

For the Opposite Party/s : Mr. Sucheta Yadav. APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 22-09-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek regular bail in connection with
Dandkhora P.S. Case No. 61 of 2021 (SOS Trial No. 313 of
2022), lodged under Sections 341, 324, 448, 323, 354, 302,
504/34 of the Indian Penal Code.

As per the prosecution case, there is a general and
omnibus allegation against 11 persons that they have gathered
near the house of informant and started assaulting the informant

and his father by sword, iron rod, *dabiya* and *lathi* etc. Specific allegation is against Md. Muslim to assault the mother of informant.

Learned counsel for the petitioners submits that there is general and omnibus allegation against all the accused persons and nothing was specific against anyone. Learned counsel for the petitioners further submits that all the petitioners have surrendered and are in custody since 08.04.2022, having clean antecedent and charge sheet has already been filed in this case. He further submits that co-accused persons have been granted bail by the Co-ordinate Bench of this Court vide order dated 01.04.2022 and 06.09.2022 passed in Cr. Misc. Nos. 62194 of 2021 and 2443 of 2022.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioners above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Katihar in connection with Dandkhora P.S. Case No. 61 of 2021 (SOS Trial No. 313 of 2022), subject to the conditions as laid down under Section

437(3) of Cr.P.C. with other following conditions:

A. The petitioners shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of their bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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