

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40576 of 2022

Arising Out of PS. Case No.-17 Year-2022 Thana- KODHOBARI District- Kishanganj

1. Rafique Alam Son Of Late Samad Ali Resident Of Lohagara, Samad Tola, Ward -8, P.S.- Kodhobari, District- Kishanganj
2. Sabbir Alam Son Of Rafique Alam Resident Of Lohagara, Samad Tola, Ward -8, P.S.- Kodhobari, District- Kishanganj

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Md. Shahnawaz Ali, Advocate

For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 13-10-2022 Heard learned counsel for the petitioners and learned
APP for the State.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The case is registered under sections 341, 324, 504,
307, 379/34 of the Indian Penal Code, in connection with
Kodhabari P.S. Case No. 17 of 2022.

As per the prosecution story, the informant has
alleged that there was due of Rs. 17,000/- of his brother with
Mehbul Haque, but he was not returning the amount for which a
'Panchayat' was also held wherein he promised to refund the
amount. On 20.1.2022, when he went to take back his money, as



asked by Mehbul Haque, it is alleged that the accused persons including the petitioners herein assaulted and further allegation against Mehbul Haque is that he stabbed in the abdomen. It has also been alleged that his mobile as also Rs. 2000/- from his pocket were snatched. Accordingly, the FIR was lodged.

Learned counsel for the petitioners submit that specific allegation is against Mehbul Haque of stabbing with knife in the stomach of informant's brother. Even the amount that has come in the FIR is attributed to the said Mehbul Haque who had taken loan but had failed to return the same. So far as these petitioners are concerned, omnibus allegation are there of assault for which they have already suffered by being in custody since 21.4.2022 and have no criminal antecedents.

Learned APP on the other hand opposes the bail submitting that the allegation of assault on these petitioners are also there.

Be that as it may, there is specific allegation against Mehbul Haque of giving knife blow in the stomach of the informant's brother as also having failed to return the loan amount of Rs. 17,000/-.

So far as these petitioners are concerned, omnibus allegation is there, they are in custody since 21.4.2022, charge-



sheet stands submitted, this Court is inclined to grant them the privilege of bail.

Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned S.D.J.M., Kishanganj, in connection with Kodhabari P.S. Case No. 17 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show their bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(v) the petitioners shall appear before the concerned police station every fortnight for next six months to mark their attendance;

(vi) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vii) the petitioners shall desist from committing any



criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of their bail bonds.

With the aforesaid observations, the bail
application is allowed.

(Rajiv Roy, J)

Ravi/Ajay Singh

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