

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41489 of 2022

Arising Out of PS. Case No.-301 Year-2021 Thana- MAHESI District- East Champaran

1. MOHAMMAD ASLAM Son of Md. Janul R/o vill. - Naya Tola Samadpura, P.S.- Mehsi, Dist.- E. Champaran
2. Salama Khatoon Wife of Mohammad Aslam R/o vill. - Naya Tola Samadpura, P.S.- Mehsi, Dist.- E. Champaran
3. Mahmud Khan Son of Israil Khan R/o vill. - Naya Tola Samadpura, P.S.- Mehsi, Dist.- E. Champaran
4. Nagma Khatoon Daughter of Mahmud Khan R/o vill. - Naya Tola Samadpura, P.S.- Mehsi, Dist.- E. Champaran
5. Kashmira Khatoon Wife of Mahmud Khan R/o vill. - Naya Tola Samadpura, P.S.- Mehsi, Dist.- E. Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar No 2, Adv.
For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-11-2022 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offence under Sections 341, 323, 354, 379, 308, 427, 447, 448, 504, 506/34 of the Indian Penal Code.

The informant alleges that the petitioners along with others came to a piece of land armed with deadly weapons and started abusing and assaulting the informant and her husband resusltantly both of them have sustained



injuries.

Learned counsel appearing for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that there is case and counter case between the parties on account of admitted land dispute and there is number of cases with respect to land dispute are pending between the parties. In fact, the alleged occurrence took place on 02.12.2021 whereas the F.I.R. has been instituted on 09.12.2021 after lapse of almost seven days without explaining the plausible delay which creates doubt over the prosecution version. He further submits that there is general and omnibus allegation against the petitioners and no specific allegation of assault or any overt act is attributed to the petitioners except petitioner No.4. Hence, the petitioners may be granted the privilege of anticipatory bail.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners and submits that the petitioner Nos. 3 and 4 carry one more cases other than the present one whereas petitioner Nos. 1, 2 and 4 bears the clean antecedent.

Considering the facts and circumstances of the



case, let the, above named, petitioners in the event of arrest of surrender before the court below within a period of four weeks from the date of 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 Mehsi P.S. Case No. 301 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C. as also 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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