

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51301 of 2021

Arising Out of PS. Case No.-115 Year-2021 Thana- DAUDPUR District- Saran

1. Ziayul Sai @ Rakib Ahmad @ Sai .
2. Mogal Sai @ Javed Alam @ Javed Sai
Both sons of Late Ajmullah Ansari @ Ajmullah Ali R/O Village-Jaitpur Sai
Tola, P.S-Daudnagar, District-Saran (chapra).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Malay Kumar Choudhary, Adv
For the Opposite Party/s : Mr.Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 30-03-2022 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 APP for the State.

Petitioners seek bail in a case registered for the offences punishable under Sections 302 and 34 of the Indian Penal Code.

The informant has filed this case against the petitioners and co-accused-Sogal Sai alleging that on 30.05.2021 at about 4.00 P.M. when he and his father Badaruddin Sai were standing at their door, then the accused



persons started keeping bricks on the disputed land. When the informant and his father made protest, then the accused persons started abusing and assaulting in the chest and abdomen of the father of the informant and also to the informant. When his father fell down, even then the accused persons continued assaulting with leg and fat. Thereafter the accused persons started assaulting to the informant and his uncle Tabarak Hussain with leg and fat. On alarm, villagers assembled and then the accused persons fled away. The informant brought his father to a Doctor at Daudpur market who declared him dead.

Learned counsel appearing for the petitioners submits that the petitioners have clean antecedent. They have falsely been implicated in the present case. He further submits that it appears from the FIR that there is general and omnibus allegation against all the accused persons. He further submits that as per allegation all the accused persons assaulted the father of the informant. He further submits that the present FIR has been instituted only to harass the petitioner on the ground that there is admitted land dispute which is going on between the parties. He further submits that the allegation as alleged in the FIR does not corroborate the postmortem report and the police, after investigation, submitted chargesheet against the petitioners



and the petitioners are is in custody since 31.05.2021.

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 petitioners, above named, 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 Daudpur Police Station Case No.115 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 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)

Nitesh/-

U		T	
---	--	---	--

