

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42643 of 2022

Arising Out of PS. Case No.-175 Year-2018 Thana- NAANPUR District- Sitamarhi

1. MD. SAJJAD Son of Abdul Jabbar Resident of village - Yadupatti, P.S. Nanpur, District - Sitamarhi.
2. Ladli Khatoon wife of Md. Sajjad Resident of village - Yadupatti, P.S. Nanpur, District - Sitamarhi.
3. Md. Sonu Son of Md. Ujjale Resident of village - Yadupatti, P.S. Nanpur, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Advocate
For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-11-2022 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

The petitioners are apprehending their arrest in a case
registered for the offences punishable under Sections 147, 148,
149, 241, 323, 324, 354, 379, 504, 506 of Indian Penal Code.

Allegation against the petitioners and other accused
persons is that they came variously armed and assaulted the
informant and others, causing injuries to them.

Learned counsel for the petitioners submits that



petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that earlier the petitioners have granted privilege under Section 41(A) of Cr.P.C and thereafter the police after investigation submitted the chargesheet against the petitioners and the learned Court below has taken cognizance against the petitioners. He further submits that in pursuant to the privilege granted to the petitioners under Section 41(A) of Cr.P.C, the petitioners have not furnished any surety and in the similar circumstances, the co-accused person namely, Md. Mustafa has been granted privilege of anticipatory bail by a Co-ordinate Bench of this Hon'ble Court vide order at Annexure-5 of the bail petition. The case of the petitioners is on similar footing.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of their arrest or surrender within a period of four weeks, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Nanpur P.S. Case No. 175 of 2018,



subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also 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 his absence on two consecutive dates without sufficient reason, their bail bond 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.

3. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any state 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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