

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45388 of 2022

Arising Out of PS. Case No.-123 Year-2022 Thana- MADHUBAN District- East Champaran

1. Sabir Ali @ Sabil Alam Son Of Late Jamdar Miya
 2. Jalaludin Son Of Hamid Miya
 3. Islam Alam Son Of Sarfuddin Miya
 4. Sarfuddin Miya Son Of Late Isahak Miya
 5. Munna Alam Son Of Jafarudin Miya
 6. Md. Jafrul Son Of Manir Miya
 7. Halim Miya Son Of Fakir Miya
 8. Khalil Alam Son Of Akbar Miya @ Akbar Ali
 9. Fajlu Rahman Son Of Late Akbar Miya @ Akbar Ali
 10. Jainudin Alam @ Jainuddin Alam Son Of Late Akbar Miya @ Akbar Ali
 11. Mainudin Alam Son Of Late Akbar Miya @ Akbar Ali
- All are R/O Village- Sirauli, P.S.- Madhuban, District- East Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binay Kumar, Advocate

For the Opposite Party/s : Mr.Chandra Bhushan Prasad,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-11-2022 Learned counsel for the petitioners is permitted to remove the defect (s), as pointed out by the office, if any, within a period of four weeks from today.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 341,323,436,379,504,506/34 of IPC.



The prosecution case, in short, is that the informant alleges that when he was at his house then all accused persons reached at his house with Knife, sword, Garasa etc and started abusing the informant. Khalil Alam, Fajlu, started throwing the stuffs of his house by telling that this house belongs to them. On opposing, Sabil Ali assaulted the informant with foot when ladies member of informant family came to save the informant then Sarfudding Miya pushed the informant's wife and snatched her chain from her neck. Jalaluddin took Rs.30,000/- under the bed.

Learned counsel for the petitioners submits that petitioner No.1 has got one criminal antecedent. Petitioner Nos.2 to 11 have clean antecedent. They have falsely been implicated in the present case. Further submits that there is general and omnibus allegation against these petitioners and there is admitted land dispute between the parties. Further submits that no specific allegation of assault or overt-act is there against these petitioners.

Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the petitioners, above named, in the event of their arrest or



surrender before the court below within a period of thirty days from the date of receipt of the 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 Madhuban P.S. Case No. 123 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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)

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