

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.45696 of 2022**

Arising Out of PS. Case No.-32 Year-2022 Thana- WARISNAGAR District- Samastipur

1. Abu Bakkar Son of Md. Haider, R/O Village- Shekhopur Naya Tola, Ward No.-15, P.S.- Warisnagar, District- Samastipur
2. Md. Afzal @ Md. Abu Afzal Son of Md. Haider, R/O Village- Shekhopur Naya Tola, Ward No.-15, P.S.- Warisnagar, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Pramod Kumar Singh, Advocate

Mr. Pravin Kumar, Advocate

For the Opposite Party/s : Mr. Surendra Prasad Singh, A.P.P.

**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 defects, as pointed out by the office, be removed within a period of four weeks from today.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 379, 324, 506, 307, 504 of the Indian Penal Code.

According to prosecution case, as per F.I.R. that allegation is that, petitioners came at the door of informant and assaulted the informant causing injury on his forehead and petitioner Md. Abu Bakkar and Md. Afjal @ Md. Abu Afjal assaulted the son of informant namely Jamshed Alam with iron rod causing on his head and Raushan Khatoon assaulted Madina



Khatun with danda causing injury on her right hand. It is further alleged that during course of scuffle petitioner Abu Fazal took away gold chain from neck of wife of informant.

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 as per F.I.R. allegation against the petitioners is that they are assaulted the son of the informant with iron rod and causing injury on his head. He further submits that it appears from the injury report that doctor has found all injuries are simple in nature and caused by hard and blunt substance.

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 Warisnagar P.S. Case No. 32 of 2022, 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 their 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 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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