

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48136 of 2022

Arising Out of PS. Case No.-154 Year-2018 Thana- BETTIAH CITY District- West
Champaran

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1. Md Akhlaque @ Akhlaque Miya S/o Mohd. Sarif @ Amin Miya Resident of Ghusumpur, Ward No. 04, P.S.- Kalibag O.P. Bettiah Nagar, District- West Champaran.
 2. Saheb Alam @ Saheb Miya Ghusumpur Ward No 4 Ps Kalibag Op Bettiah Town District West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Madhura Nand Jha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 30-11-2022 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

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.

The petitioners are apprehending their arrest in a
case registered for the offences punishable under Sections 147,
148, 149, 341, 323, 307, 337, 379 of the Indian Penal Code.

According to the prosecution case, all the F.I.R.
named accused persons armed with lathi, sword, bricks etc,
arrived and started pelting stones and bricks upon the informant
and his family members.

Learned counsel for the petitioners submits that



the petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that it appears from the F.I.R. that there is specific allegation of assault against the co-accused, namely, Aftab Alam and there is no specific allegation of assault or overt act against these petitioners. He further submits that the co-accused persons, namely, Raja Mian and Aftab Alam have been granted bail vide order dated 03.10.2018 passed in Cr. Misc. No. 60991 of 2018 . He further submits that the case of the petitioners is on better footing.

The learned counsel for the State 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 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 the learned Court below where the case is pending in connection with Bettaih Town (Kalibag O.P.) P.S. Case No. 154 of 2018, 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 bond shall be cancelled by the Court below.

2. If the petitioners tampers 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 his 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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