

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48137 of 2022

Arising Out of PS. Case No.-212 Year-2021 Thana- SABAUR District- Bhagalpur

1. Md. Afsar @ Md. Absar Son of Md. Fakhruddin Resident of village - Kurudih, P.S.- Gouradih, District - Bhagalpur.
2. Asad @ Md. Asad Son of Ibrahim @ Md. Ibrahim Resident of village - Kurudih, P.S.- Gouradih, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Advocate

For the Opposite Party/s : Mr. Abhay Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 07-12-2022 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, 354, 447, 504 and 506 of the Indian Penal Code.

According to the prosecution case, the accused persons had beaten and abused the informant and also used to threaten her for dire consequences.



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 due to small reason the present occurrence took place. He further submits that there is admitted land dispute between the parties and there is case and counter case also. He further submits that both the parties are agnate. He further submits that the allegation alleged in the F.I.R. is false and fabricated and there is no injury report on the record.

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 Sabour (Goradih) P.S. Case No. 212 of 2021, 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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