

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48384 of 2022

Arising Out of PS. Case No.-283 Year-2019 Thana- JAMALPUR District- Munger

1. MD. NASEEM KHAN Son of Late Yaseen Khan
2. Md. Nadeem Khan @ Raja Son of Md. Naseem Khan
Both Resident of Khalasi Mohalla, Mohanpur, P.S. - Jamalpur, District - Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Mishra, Advocate

For the Opposite Party/s : Mr.Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 30-11-2022 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 147,148,448,323,307,354B,379,427,504,506,509 of IPC.

Learned counsel for the petitioners submits that petitioner No.2 has clean antecedent. Petitioner No.1 has got one criminal antecedent. They have falsely been implicated in the present case. There is case and counter case between the



parties and it appears from the FIR that there is general and omnibus allegation against all the accused persons including the petitioners and the police, after investigation, submitted chargesheet under Sections 147,148,323,354,427,308,504,506 of IPC and found the case false under Sections 307, 379 and 509 of IPC.

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

Considering the fact 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 Jamalpur P.S. Case No. 283 of 2019, 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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