

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49235 of 2022

Arising Out of PS. Case No.-83 Year-2022 Thana- SARSI District- Purnia

1. Md. Rayees Son of Md. Kalamuddin R/V- Parasmani, P.S- Sarsi, Dist- Purnia
2. Md. Kalamuddin Son of Mohammad R/V- Parasmani, P.S- Sarsi, Dist- Purnia
3. Lal Mohammad Son of Md. Kalamuddin R/V- Parasmani, P.S- Sarsi, Dist- Purnia

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha, Advocate
For the Opposite Party/s : Mr. Binod Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 13-12-2022 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, 149,
447, 341, 323, 324, 325, 307, 379, 504, 506 of the Indian Penal
Code.

According to prosecution case,

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 the present case is counter blast of Sarsi P.S. Case No. 82 of 2022 filed by the family members of the petitioner against the informant and their family members. He further submits that there is no specific allegation of any assault or overt act against the petitioners and there is general and omnibus allegation against all the accused persons including the petitioners. He further submits that in course of scuffle both sides have sustained injuries and the doctor examined the informant and other injured person and found the nature of injuries are simple in nature.

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 Sarsi P.S. Case No. 83 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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