

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.49497 of 2022**

Arising Out of PS. Case No.-119 Year-2014 Thana- JADIA District- Supaul

1. M.D. Chand @ Md. Chand Son of Late Md. Alauddin R/V- Bagheli, Ward no. 13, P.S- Jadia Dist- Supaul
2. Md. Pappu @ Md. Juned Son of Md. Giasuddin R/V- Bagheli, Ward No. 13, P.S- Jadia, Dist- Supaul
3. Md. Shahabuddin Son of Late Md. Mahamud @ Late Md. Mahamud Alam R/V- Mahrampur, P.S- Jadia, Dist- Supaul
4. Md. Kamal @ Md. Kamaluddin Son of Md. Mozim R/V- Mahrampur, P.S- Jadia, Dist- Supaul
5. Md. Ajim Son of Late Md. Nasso R/V- Mahrampur, P.S- Jadia, Dist- Supaul

... .. petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the petitioners/s : Mr. Arun, Advocate

For the Opposite Party/s : Mr. Narsingh Tanti, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      14-12-2022                      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, 324 and 307 of the Indian Penal Code.

According to the prosecution case, the informant  
was brutally assaulted by the petitioners and other co-accused



persons who are armed with various weapons regarding the issue of hand pump and drainage of water.

Learned counsel for the petitioners submits that the petitioner Nos. 2, 4 and 5 have clean antecedent and petitioner Nos. 1 and 3 have criminal antecedent. He further submits that the petitioners have falsely been implicated in the present case. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against all the accused persons. He further submits that the specific allegation against the petitioners was that they assaulted the informant by means of *Garasa* on the head of the informant but the injury report of the informant does not support the allegation as alleged in the F.I.R. He further submits that the police after investigation submitted the final form in favour of the petitioner but the learned court below differing with the final form and took cognizance against the petitioner.

The learned counsel for the State has vehemently opposed the prayer for bail of the petitioners on the ground that the petitioner Nos. 1 and 3 carries one more case other than the present one.

Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of his 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) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Jadai P.S. Case No. 119 of 2014, 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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