

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50183 of 2022

Arising Out of PS. Case No.-63 Year-2022 Thana- PALANWA District- East Champaran

1. SHEIKH NOOR ALAM Son of Late Sheikh wajid Resident of Village - Gadbahuri, P.s.- Palanwa, Distt.- East Champaran.
2. SHEIKH FAKHRE ALAM @ BHUTTI Son of Late Sheikh Wajid Resident of Village - Gadbahuri, P.s.- Palanwa, Distt.- East Champaran.
3. SHEIKH NAJRUL HAQUE Son of Late Sheikh Bhoju Resident of Village - Gadbahuri, P.s.- Palanwa, Distt.- East Champaran.
4. SHEIKH MUNNA Son of Sheikh Kamrul Haque @ Kamrul Hak Resident of Village - Gadbahuri, P.s.- Palanwa, Distt.- East Champaran.
5. SHEIKH GULSAD ALAM @ BHERA Son of Sheikh Najrul Haque Resident of Village - Gadbahuri, P.s.- Palanwa, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhurendra Kumar, Adv.
For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-11-2022 It appears from the order dated 29.09.2022, this application with respect to petitioner No.1 stood dismissed as having been infructuous. Accordingly, the name of petitioner No.1 be deleted from the array of the parties.

Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offence under Sections 147,148, 149, 341, 323, 324, 325, 307 and 504 of the Indian Penal Code.

The informant is said to have been assaulted on his



head means of iron rod by the petitioners due to which he sustained several injuries.

Learned counsel appearing for the petitioners submits that the petitioners, who are of clean antecedent, are innocent and have falsely been implicated in this case. He further submits that the parties are happen to be agnates and there is admitted land dispute between the parties. He further submits that although there is allegation of assault against the petitioners but the injury Nos. 1 to 8 sustained by the informant are simple in nature whereas injury Nos. 9, 10 and 11 are said to be the fracture injuries on the hand and finger which are said to be grievous in nature but the doctor has not opined any grievous head injury on the vital part of the body. Hence, the petitioners may be granted the privilege of anticipatory bail.

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

Considering the facts and circumstances of the case, let the, above named, petitioner Nos. 2 to 5 in the event of arrest of surrender before the court below within a period of four weeks from the date of 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 Palanwa P.S. Case No. 63 of 2022/ G.R. No. 271 of 2022, subject to the conditions laid down



under Section 438(2) of the Cr.P.C. as also with 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 canceled by the Court below.

(2) If the petitioner tampers 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 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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