

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64244 of 2021

Arising Out of PS. Case No.-175 Year-2019 Thana- DAGARUA District- Purnia

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1. Garib Nawaz S/o Tajmul R/o village- Dariyapur, P.S.- Dagrauwa, District- Purnea
 2. Shahnawaz S/o Tajmul R/o village- Dariyapur, P.S.- Dagrauwa, District- Purnea

... .. Petitioner/s

Versus

The State Of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Dwivedi

For the Opposite Party/s : Mr. Rajendra Prasad Nat

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 15-04-2022 Heard learned counsel for the petitioners and learned counsel for the Informant as well as learned Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioners seek bail in a case registered for the offences punishable under Sections 147, 148, 149, 448, 323, 302, 379, 504, 506 of the Indian Penal Code.

According to prosecution case, the informant namely Md. Parwez given an application before S.H.O. of Dagrauwa police station alleging therein that on 21.09.2019 due to quarrel of children Md. Jahangir, Md. Himanyun, Md. Firoz, Md. Mahtab, Fazhirahman, Md. Jamshed, Garib Nawaz (petitioner



no.1) Shahnaqaz (petitioner no.2) Md. Tajmul and Sirulli all came at his house and they abused and assaulted his father and brother. All accused persons assaulted by means of fits and fats, lathi and danda and due to this injury his father namely Suruddin died on the spot and Md. Jamshed entered into the house and took Rs. 50,000/- from the box and upon alarm when villagers came they fled away.

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 it appears from the F.I.R. that there is general and omnibus allegation against all the accused persons and there is no specific allegation of assault against the petitioners. He further submits that the police after investigation submitted the charge sheet against the petitioners. The petitioners are in custody since 11.08.2021.

The learned counsel for the Informant as well as learned A.P.P. has vehemently opposed the prayer for bail of the petitioners.

Considering the aforesaid facts and circumstances, let the petitioners, above named, 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 Daguwa P.S. Case No. 175 of 2019, subject to 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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