

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56742 of 2022

Arising Out Of Ps. Case No.-509 Year-2018 Thana- Sugauli District- East Champaran

1. Farid Mian @ Farid Khan S/O Farun Mian Resident Of Village- Nauwadih, P.S.- Sugauli, District- East Champaran.
2. Majid Ansari S/O Laddu Mian R/O Station Chowk, Sugauli, P.S.- Sugauli, District- East Champaran.

... .. Petitioner/S

Versus

The State Of Bihar.

... .. Opposite Party/S

Appearance :

For the Petitioner/s : Mr. Dhurendra Kumar, Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-12-2022 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 341, 342,
323, 324, 307, 379, 504, 506/34 of I.P.C.

According to prosecution case, in brief, is that the
informant Sujit Kumar has filed a written petition before S.H.O.
Sugauli P.S. stating therein that on 21.12.2019 at about 05:30
P.M. he was purchasing vegetable near Tajbabu Chock, in the
meantime, all the F.I.R. named accused persons and 8-10



unknown persons including these petitioners forming an unlawful assembly and attacked on the informant. Accused manish Kumar ordered to grab and take away the informant with them to kill him, on which accused persons started taking away the informant with them and when the informant raised objection, accused Amijad Mian with an intention to commit murder with pointed knife on the neck of informant and accused Farid Mian with an intention to commit murder gave iron-rod blow on the informant, causing cut injury bleeding. Hearing the noise, when Vijay Kumar came to save the informant, accused Kalu Don assaulted him with the butt on nalkatua and thereafter all the accused persons brutally assaulted the informant and accused Majid Mian snatched mobile from the informant and Vijay Kumar. Accused Manish Kumar Singh snatched Rs. 20,000/- from the pocket of informant and accused Majid Mian snatched Rs. 2,000/- from the pocket of Vijay Kumar. Hearing noise, nearby persons came and saved the informant and vijay Kumar. Accused persons also threatened the informant to commit the murder.

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 as per



allegation as alleged in the F.I.R. is that the petitioner no.1 has assaulted the informant by means of iron rod and petitioner no.2 took out Rs. 25,000/- from the pocket of the informant. He further submits that from peruse of the injury report that the injuries has found are simple nature and allegation of theft against the petitioner no.2 is superficial.

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 Sugauli P.S. Case No. 509 of 2018, G.R. Case No. 8091 of 2018 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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