

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57946 of 2022

Arising Out of PS. Case No.-119 Year-2021 Thana- SARAI District- Vaishali

1. MD. SHAMSHER SON OF LATE MD. SHAHID R/O VILLAGE-ALIMUDDIN CHAK, P.S.- SARAI, DISTRICT- VAISHALI
2. MD. ALI SON OF LATE MD. SHAHID R/O VILLAGE- ALIMUDDIN CHAK, P.S.- SARAI, DISTRICT- VAISHALI
3. SHAMSHAD KHATOON WIFE OF LATE MD. SHAHID R/O VILLAGE-ALIMUDDIN CHAK, P.S.- SARAI, DISTRICT- VAISHALI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Adv.
For the Opposite Party/s : Mr. Rajendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-12-2022 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 341, 323, 324, 307, 504, 506/34 of the Indian Penal Code.

The informant and his brother are subjected to assault by means of sword and lathi and danda due to which both of them sustained injuries.

Learned counsel appearing for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that though



according to the F.I.R., the petitioners and others have assaulted the informant and his brother by inflicting sword blow but the injury report does not corroborate with the allegation levelled in the F.I.R. as the doctor has opined that no sharp cutting injuries are found on the person of the injured. He further submits that the informant and the petitioners happen to be co-sharer over the piece of land and on that count the entire occurrence took place. 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 and submits that the petitioner Nos.1 and 2 bears clean antecedent and petitioner No.3 carries one more case other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioners 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 Sarai P.S. Case No. 119 of 2021, 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 petitioners tamper 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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