

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56865 of 2022

Arising Out of PS. Case No.-83 Year-2022 Thana- SARSI District- Purnia

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1. Md. Farman @ Md. Farman Alam Son Of Md. Suddin Resident Of Village - Parasmani, Ward No.- 9, P.S.- Sarsi, District - Purnia.
 2. Md. Suddin @ Sk. Suddin Son Of Md. Mohammad Resident Of Village - Parasmani, Ward No.- 9, P.S.- Sarsi, District - Purnia.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha, Advocate

For the Opposite Party/s : Mr. Ram Anurag 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 147, 149,
447, 341, 323, 324, 325, 307, 379, 504, 506 of the Indian Penal
Code.

According to prosecution case, in brief, is that on
15.04.2022 at about 12 Noon, all the F.I.R. named accused
persons including these petitioners by forming an unlawful
assembly were fencing *Tatti* over the land of the informant



forcibly then informant forbade them not to do so then all the accused persons including these petitioners attempted murderous attack upon the informant by iron rod, *dabia*, spade and assaulted on his head due to which informant sustained bleeding injury on his head. After seeing the occurrence, Md. Tabrej and Md. Ashik came to save him then accused persons also assaulted them by Iron rod due to which they sustained bleeding injury on their respective heads. Md. Tanjin tried to pacify the matter then accused persons also assaulted him by Dabia on his head due to which he also sustained bleeding injury on his head. Co-villagers brought all the four injured to Sub-divisional Hospital, Banmankhi then accused persons also abused the co-villagers, who brought them to Hospital and accused persons also extended threat to kill all the family members. During the course of mar-pit, accused persons has taken cash of Rs. 2000/- from the pocket of the informant.

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 the present case is counter blast of Sarsi P.S. Case No. 82 of 2022 filed by the petitioner no.1 against the informant and their family members. He further submits that there is an admitted



land dispute between the parties and during course of scuffle both parties have received injuries. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against the petitioners and there is no specific allegation of assault or overt-act against these petitioners.

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 Sarsi P.S. Case No. 83 of 2022, 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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