

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57644 of 2022

Arising Out of PS. Case No.-236 Year-2022 Thana- MADHUBAN District- East Champaran

1. Md. Amirul Son of Shekh Shalim Resident of Village - Khairwa, Police Station - Madhuban, District - East Champaran.
2. Lal Bibi Wife of Md. Amirul Resident of Village - Khairwa, Police Station - Madhuban, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Gulnar Begum, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-12-2022 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 341, 323, 498(A), 504 and 34 of the Indian Penal Code.

According to the prosecution case, the husband of the informant assaulted and tortured her and he tried to fire. He also theft and sold the ornaments of the informant worth Rs. 2,00,000/-.



Learned counsel for the petitioners submits that the petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that the petitioner No. 1 is not named in the F.I.R. and his name has been transpired during the investigation. He further submits that it appears from the F.I.R. that there is specific allegation of assault or overt act against the husband of the informant and there is general and omnibus allegation against the petitioner No. 2. He further submits that petitioner No. 1 is father-in-law and petitioner No. 2 is the mother-in-law of the informant and they have no concern at all with the family affairs of the informant.

The learned counsel for the State 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 before the court below within a period of thirty days from the date of receipt of the 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 the learned Court below where the case is pending in connection with Madhuban P.S. Case No. 236 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of



Criminal Procedure and with other 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 tampers 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 his 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)

vanisha/-

U		T	
---	--	---	--

