

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59886 of 2022

Arising Out of PS. Case No.-434 Year-2022 Thana- GOPALGANJ TOWN District-
Gopalganj

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1. Sajid Ali @ Sajid Son of Sabir Ali @ Sabir Resident of Village- Indarwa Ebadullah, P.S.- Gopalganj Town, District- Gopalganj
 2. Raja @ Shahnawaj Ali Son of Sajid Ali @ Sajid Resident of Village- Indarwa Ebadullah, P.S.- Gopalganj Town, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate
For the Opposite Party/s : Mr. Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-12-2022 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147,148,149, 302, 120(B)/34 of the Indian Penal Code.

The prosecution case, in short, is that on 31.05.2022 informant got up and saw that his villagers accused namely Irfan, Rijwan and Imran and others were assaulting his son by locking in a room and blamed on him of theft. When informant requested them to leave his son, but they did not stop and they



dragged and brought him out of the room and tied him with an electric pole and the petitioners as well as nearby villagers almost 20-25 other people came and started assaulting with lathi and Danda, from which deceased got brutally injured and died on spot.

Learned counsel for the petitioners submits that the petitioners have clean antecedent. They have falsely been implicated in the present case. Further submits that it appears from the FIR that there is direct allegation of overt-act or assault against the co-accused persons, namely, Irfan, Rizwan and Imran who confined the son of the informant and assaulted the son of the informant. Further submits that there is no specific allegation of any assault or overt-act against these petitioners. There is general and omnibus allegation against these petitioners and the name of the petitioners have falsely been implicated in the present case. He further submits that co-accused persons namely Amjad @ Amjad Ali and Dablu @ Aslam Ali have been granted anticipatory bail by this Court vide order dated 14.12.2022 in Cr. Misc. No. 57704 of 2022 and the case of the petitioner stands on similar footing.

Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioners.



Considering the aforesaid facts, 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 learned court below where the case is pending in connection with Gopalganj Town P.S. Case No. 434 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 bonds 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.

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 antecedents, 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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