

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3195 of 2023

Arising Out of PS. Case No.-265 Year-2022 Thana- BAHERI District- Darbhanga

1. MD. RIZWAN S/O MD. HAIYAB @ MD. TAIYAB
2. MD. ZUBAIL @ MD. ZUBAIR S/O MD. HAIYAB @ MD. TAIYAB Both are Resident of village- Chhilha, Dilawarpur, P.S.- Baheri, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Virendra Kumar, Advocate
For the Opposite Party/s :	Mr.Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-05-2023 Heard learned counsel for the petitioners and learned APP for the State.

The petitioners apprehend their arrest in connection with Baheri P.S. Case No.265 of 2022 instituted under Sections 341, 323, 379, 354(B), 504/34 of the IPC lodged on 19.08.2022 by the informant Shaheen Parveen.

As per the prosecution story, when the informant was going to attend the call of nature, in the meantime all accused persons including the petitioners caught hold of the informant and threw her down and torn her cloths with bad intention. After raising alarm, other accused persons arrived and they all assaulted the family members of the informant and also looted the shop. Accordingly, the FIR.



Learned counsel for the petitioners submit that there has been a fight between the parties which led to case and counter case. The case of accused side is prior to the lodging of the present case. The further submission is that the nature of allegation is omnibus and they do not have criminal antecedent.

Learned APP on the other hand opposes the prayer but concede that there is case and counter case.

Taking into account the aforesaid facts as also that they do not have criminal antecedent, this Court is inclined to grant him privilege of anticipatory bail.

Let the petitioners be released on bail, in the event of their arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Baheri P.S. Case No.265 of 2022 to the satisfaction of learned Chief Judicial Magistrate, Darbhanga, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions that:

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show their bona fide;



(ii) the petitioners will make themselves available to the police as and when required in course of investigation;

(iii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial court itself;

(iv) the petitioners shall appear before the concerned police station every fortnight for next six months to mark attendance;

(v) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan /
Sunil

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