

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30805 of 2022

Arising Out of PS. Case No.-46 Year-2022 Thana- PHULWARIA District- Begusarai

1. Md. Sonu Khan @ Sonu Khan @ Azhar Khan @ Md. Azahar Khan Son Of Md. Murtuza Khan @ Murtuja Khan R/O- Fulwaria-02, Ward No.- 07, P.S.- Fulwaria, District- Begusarai
2. Md. Monu Khan @ Monu Khan @ Mazahar Khan @ Md. Mazahar Khan Son Of Md. Murtuza Khan @ Murtuja Khan R/O- Fulwaria-02, Ward No.- 07, P.S.- Fulwaria, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Fazle Karim, Advocate
For the Opposite Party/s : Mr. Mithlesh Kumar Khare, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 18-01-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor 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.

Petitioners seeks bail in a case registered for the offences punishable under Sections 447, 341, 323, 324, 325, 307, 504, 506 and 34 of the Indian Penal Code.

According to prosecution case, the petitioners assaulted the son of the informant by knife on his back due to which he fell down. When the informant came to rescue his son, the petitioners also assaulted him with an intention to kill him



and gave a blow on the chest and belly 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 allegation as alleged in the F.I.R. does not supported by the medical evidence. He further submits that the police after investigation submitted the charge sheet against the petitioners. He further submits that the petitioner no. 1 is in custody since 20.03.2020 and petitioner no. 2 is in custody since 22.03.2022.

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, 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 Fulwaria P.S. Case No. 46 of 2022, subject to 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 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 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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