

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39229 of 2023

Arising Out of PS. Case No.-659 Year-2020 Thana- GOPALGANJ TOWN District-
Gopalganj

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1. IBRAHIM @ IBRAHIM ALI SON OF LATE MOHAN MIYAN
RESIDENT OF VILLAGE BHITBHARWA, PS -GOPALGANJ TOWN,
DISTRICT- GOPALGANJ
 2. ABBU SALAM @ ABDUL SALAM SON OF HAMID ANSARI
RESIDENT OF VILLAGE- KOINEE, PS- MANJHGARH, DISTT-
GOPALGANJ

... .. Petitioner/s

Versus

The State of Bihar

.. ... Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Aakash, Advocate
For the Opposite Party/s	:	Mr. Mithlesh Kumar Khare, APP
For the Informant	:	Ms. Priyadarshini Kumari, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

5 08-12-2023 Heard Mr. Aakash, learned counsel for the petitioners
and Ms. Priyadarshini Kumari, learned counsel for the informant.

2. The petitioners are in custody in connection with
Gopalganj Town P.S. Case No. 659 of 2020 for the offence under
sections 147, 148, 149, 323, 324, 307, 504 and 302 of the IPC
lodged on 23.11.2020 by the informant, Rizvan Pravin.

3. As per the prosecution story, the informant has
alleged that the previous night, one Sabran Ali and his family
members had fight with the Salauddin and Istekhar and due to
the same, on 23.11.2020, all the accused persons including the
petitioners herein (four in numbers) came variously armed and
thereafter on the exhortion accuseds, Ishtekhar and Salauddin, it
is alleged that Ishtekhar assaulted Haider Ali by sword causing
injury on his head. The further allegation against Israfil is of



assaulting him by '*farsa*' on his head. The FIR continued stating that Ibrahim assaulted Rizwana Praveen while others assaulted Sabran. His further allegation is that Abdul Salam gave injury by assaulting him with '*rod*'. They were subsequently taken to Gopalganj hospital.

4. The matter was earlier taken up and rejected vide Cr. Misc. No. 35600 of 2022.

5. Again, a fresh petition has been filed in which a report was called for on 10.11.2023. As per the report, the case is running for appearance of the accused persons who are out on bail.

6. Considering the aforesaid facts as also that there is no chance of conclusion of trial at an earliest, the petitioners are in custody since 19.04.2022 and do not have criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned CJM, Gopalganj, in connection with Gopalganj Town P.S. Case No. 659 of 2020 subject to conditions so that he will be diligently appearing in trial.



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

(ii) 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;

(iii) the petitioners shall appear before the concerned police station every month till the conclusion of the trial to mark their attendance;

(iv) 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;

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

8. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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