

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47689 of 2023**

Arising Out of PS. Case No.-75 Year-2023 Thana- SUGAULI District- East Champaran

1. Md. Jamaluddin Son Of Nejamuddin Devan
 2. Naushad Husain Son Of Mustkin Devan
 3. Julfekar Ali @ Bhutto Son Of Mustkin Devan
 4. Farukh Husain @ Farukh Devan Son Of Wajir Devan
- All are R/O-Sripur Gopalpur, P.S.-Dugauli, Distt.-East Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Harun Quareshi, Advocate
For the Opposite Party/s : Mr.Anil Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

4 12-09-2023 Heard learned counsel for the petitioners and the
learned A.P.P. for the State.

2. The petitioners seek bail, who are in custody since
02.06.2023 in connection with Sugauli P.S.Case No.75 of 2023,
F.I.R. dated 19.02.2023 registered for the offence punishable
under Section 341,323,354,379,504 and 506/34 of the Indian
Penal Code.

3. The prosecution case, in short, is that the informant
alleged that petitioner No.1 with intention to kill gave iron rod
blow on the head of Fajil Hawari resulting his head got turn and
he fell down. Further alleged that petitioner No.1 also gave iron
rod blow on the head of Wahid Hawari and the petitioner No.2



also gave iron rod blow to Wahid Hawari, resultantly his toe of right leg got torn and when the informant went to save there then the petitioner No.1 said on that day her modesty was saved, but today outraged her modesty and caused such hurt so that she could died without any injury or tearing of the body. Further alleged that the petitioner No.1 after saying so pulled down the Saree of the informant to molest her and also torn the blouse and threw the informant on the ground and when the informant protested then the petitioner Nos.3 and 4 caused injury to the informant by assaulting her with lathi. Further alleged that accused persons also snatched a gold chain worth Rs.60,000/- of the informant.

4. Learned counsel appearing for the petitioners submits that petitioner No.1 carries one more case other than the present one and petitioner Nos. 2 to 4 have clean antecedent and they have falsely been implicated in the present case. Further submits that the allegation as alleged in the FIR is false and fabricated and the petitioners have not committed any offence as alleged in the FIR and due to admitted land dispute the present occurrence had taken place and from a bare perusal of the FIR it appears that the FIR is in two parts. In 1st part, there is general and omnibus allegation against all the accused



persons including the petitioners and in 2nd part, there is specific allegation against petitioner No.1 that he assaulted with iron rod but there is no injury report on the record which suggests that the informant has not received any injury and the police, after investigation, submitted chargesheet against the petitioners and the petitioners are in custody since 02.06.2023.

5. Learned APP for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioners and submits that there is specific allegation against petitioner No.1 that he assaulted with iron rod and apart from the aforesaid petitioner No.1 carries one more cases other than the present one.

6. Considering the aforesaid fact, 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 learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Sugauli P.S.Case No.75 of 2023, with the following conditions:-

(I) 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.

(II) 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.

(III) 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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