

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50681 of 2023

Arising Out of PS. Case No.-178 Year-2023 Thana- BAISI District- Purnia

1. ABDUL GAFFAR SON OF LATE IBRAHIM RESIDENT OF VILLAGE - JANTAHAT, POLICE STATION - BAISI, DISTRICT - PURNEA
2. MOJIBUR RAHMAN @ MUJIB @ MUJIBUR RAHMAN SON OF LATE PEER BUX RESIDENT OF VILLAGE - JANTAHAT, POLICE STATION - BAISI, DISTRICT - PURNEA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Md. Helal Ahmad, Advocate
For the Opposite Party/s	:	Mr. Akhileshwar Dayal, APP
For the Informant	:	Mr. Mithilesh Kumar, Adv.
		Mr. Fazle Karim, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 19-08-2023 Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State.

2. The petitioners, in the present case, are seeking pre-arrest bail in connection with Baisi P.S. Case No.178/2023 registered for the offences punishable under Sections 341, 323, 324, 307, 504 and 506/34 of the Indian Penal Code. The petitioners have got no criminal antecedent.

3. As per the prosecution story, the allegation against the petitioners is that they along with other co-accused had involved in assaulting the informant on account of a land dispute.



4. Learned counsel for the petitioner submits that specific allegation of assault has been made against co-accused Dilkash and Haider who are not before this Court. Learned counsel submits that so far as these petitioners are concerned, they are said to have been made accused only because of the enmity on account of a land dispute.

5. Learned A.P.P. for the State and learned counsel for the informant have opposed the prayer for anticipatory bail of the petitioners.

6. Having regard to submission that the specific allegation of assault has been made against co-accused Dilkash and Haider who are not before this Court, so far as these petitioners are concerned, they are said to have been made accused only because of the enmity on account of a land dispute and they have otherwise no criminal antecedent, this Court directs that in case of his arrest/surrender within a period of four weeks from today, let the petitioner above-named be enlarged on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Purnea in connection with Baisi P.S. Case No.178/2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.



7. 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.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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