

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49914 of 2023

Arising Out of PS. Case No.-45 Year-2022 Thana- GALGALIYA District- Kishanganj

1. SHAFIQUE @ CHHOTU @ MD. SHAFIQ SON OF MD. KASIM @ MD. HASIM @ KASHIM R/O-TORIPATTI, P.S.-GALGALIA, DISTT.-KISHANGANJ
2. MD. RAFIQUE @ RAFIQUE SON OF MD. KASIM @ MD. HASIM @ KASHIM R/O-TORIPATTI, P.S.-GALGALIA, DISTT.-KISHANGANJ

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dilip Kumar Singh, Advocate
For the Opposite Party/s : Mr.Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 18-08-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are in judicial custody in connection with Galgalia P.S. Case No. 45 of 2022 registered under Sections 147, 148, 149, 341, 323, 307 and 379 of the Indian Penal Code lodged on 05.09.2022 by the informant, Md. Samshad.

As per the prosecution story, the allegation is that the accused persons armed variously entered into the house of the informant and attacked the family members. The allegation against one Kallu is of hitting Meraj Ansari with ‘*lathi*’ on his head causing serious injury. Allegation against others also is of



hitting his sister. The further allegation is of snatching jewellery, cash etc. This followed the FIR.

Learned counsel for the petitioner submits that the occurrence took place on 30.08.2022 but the FIR was lodged on 05.09.2022. Further, save and except accused Kallu against all others omnibus allegation are there and he is in custody since 02.03.2023 (as stated in paragraph-15 of the petition).

Learned APP for the State opposes the prayer for bail.

Taking into account that there is delay in lodging of the FIR, main allegation is against Kallu and omnibus allegation against others in that background, this Court is inclined to extend him the privilege of bail.

Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Kishanganj in connection with Galgalia P.S. Case No. 45 of 2022 subject to the following conditions:

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

(ii) the petitioner 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 his/her bail bond by the Trial court itself;

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

(iv) the petitioner 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 his bail bonds;

(v) the petitioner 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)

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