

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50372 of 2022

Arising Out of PS. Case No.-52 Year-2022 Thana- PHULWARIA District- Begusarai

1. Maqsood Alam @ Footbal Son Of Md. Budhni R/O Village- Baro Gachhi Tola, Ward No.-15, P.S.- Phulwaria, District- Begusarai
2. Md. Aftab @ Kala @ Aftab Alam Son Of Md. Mumtaz Khalifa @ Mumtaj Khalipa R/O Village- Baro Gachhi Tola, Ward No.-15, P.S.- Phulwaria, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate
For the Opposite Party/s : Mr. Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 06-02-2023 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable u/s 448, 341, 323, 307, 354(B), 379 and 504 read with section 34 of the Indian Penal Code.

As per the prosecution case, the petitioners and the co-accused persons are alleged to have entered the informant's house and started abusing and assaulting with *lathi*, *danda* and



rod causing severe injury. Further, the petitioner Md. Aftab brutally assaulted her with the butt of pistol causing head injury.

Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. He has submitted that the injury sustained to the informant is stated to be simple in nature. The petitioners have one criminal antecedent which are lodged by the informant of this case as stated in para 3 of the bail petition.

Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioners.

Considering the aforesaid facts and circumstances as well as the injury being simple in nature, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned court concerned Begusarai in connection with Phulwaria P.S. Case No. 52 of 2022, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure with following condition:-

1. 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.

This application stands allowed.

(Chandra Prakash Singh, J)

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