

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56646 of 2023

Arising Out of PS. Case No.-1032 Year-2022 Thana- GOPALGANJ TOWN District-
Gopalganj

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1. Naiyar Aazam @ Naiyar Azam Son Of Kalim Miya @ Md. Kalim Resident Of Banjari Braham Asthan P.S. Gopalganj, Distt. - Gopalganj
 2. Sarware Aazam @ Sarvesh Aazam @ Sarware Azam Son Of Kalim Miya @ Md. Kalim Resident Of Banjari Braham Asthan P.S. Gopalganj, Distt. - Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Indrajeet Bhushan
For the Opposite Party/s : Mr. Madhuri Lata

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 30-08-2023 Heard the Ld. counsel for the petitioners and the

State.

2. The present petition has been filed on behalf of the petitioners, apprehending their arrest, in connection with Gopalganj (Town) P.S. Case No. 1032 of 2022, registered for the offences punishable under Sections 341, 323, 379, 307, 504, 506, and 34 of the Indian Penal Code.

3. The prosecution case as emerges from the FIR is that on 15.12.2022 at around 4:20 pm the accused persons, including the petitioner, intercepted the vehicle of the informant and assaulted him with iron rod. Moreover, the accused persons also snatched an amount of Rs. 25,000/- from the informant.



4. Ld. Counsel for the Petitioners submits that the Petitioners are innocent and have falsely been implicated in this case. He further submits that the alleged injury is simple in nature as per the injury report. Hence, no case is made out under Section 307 of the Indian Penal Code.

5. It has also been stated in paragraph no. 3 of the bail petition that the petitioners have been made accused in two other cases.

6. It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one.

7. However, Ld. APP for the State vehemently opposes the prayer of the petitioners for bail.

8. Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioners, above-named, to be enlarged on bail in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Ld. Chief Judicial Magistrate, Gopalganj, in connection with Gopalganj (Town) P.S. Case No. 1032 of 2022,



subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioners have criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bond of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the Ld. court below shall cancel the bail bond of the petitioner.

9. Ld. counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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