

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58355 of 2023

Arising Out of PS. Case No.-9 Year-2022 Thana- NIMCHAKBATHANI District- Gaya

1. MD. SADWAN AHMAD @SADDAM SON OF CHAND AHMAD @ KAMAL AHMAD RESIDENT OF VILLAGE- DHARMUCHAK, PS- NEEMCHAK BATHANI, DIST- GAYA
2. MD. KASHIF KHAN @ MD. KASHIF SON OF LATE MD. SAFIRUDDIN RESIDENT OF VILLAGE- DHARMUCHAK, PS- NEEMCHAK BATHANI, DIST- GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rabindra Kumar Priyadarshi, Adv.
For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 2 14-09-2023 1. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.
2. Petitioners, who are in custody since 07.06.2023 seek bail in connection with Neemchak Bathani P.S. Case No. 09/2022 dated 15.01.2022, registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 504, 506, 427, 153(a), 295 and 325 of the I.P.C.
3. According to prosecution case, the petitioners along with other co-accused persons entered into the house of the informant and brutally assaulted the informant and her family members and they also broken the Shivling of Lord Shankar.
4. Learned counsel for the petitioners submits that the petitioners have falsely been implicated in the present case. He



further submits that there is exchequer history of case and counter case between the parties and it appears from the F.I.R. that there is no specific allegation of any assault or overt act attributed against these petitioners rather there is general and omnibus allegation against all the accused persons including these petitioners. He further submits that the injury report of the injured person suggest that they have received simple injury, caused by hard and blunt substance. He further submits that co-accused persons namely Ishram Ahmed @ Md. Ishran and Shahrukh Ahmed @ Md. Shahrukh Ahmed have been granted bail by this Court vide order dated 08.09.2023 passed in Cr. Misc. No. 58632 of 2023. The petitioners are in custody since 07.06.2023.

5. Learned Additional Public Prosecutor for the State on the other hand vehemently opposed the prayer for bail of the petitioners on the ground that petitioner no.1 has carried four criminal antecedent and the petitioner no.2 has carried three criminal antecedent other than the present one but fairly submits on the basis of para 3 of the bail petition that the petitioners are on bail in all the cases.

6. Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Sessions Judge, Gaya in connection with



Neemchak Bathani P.S. Case No.09/2022, subject to the following conditions:-

1. 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.

2. 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.

3. 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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