

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58632 of 2023

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

1. Ishran Ahmed @ Md. Ishran Son of Chand Ahmed @ Kamal Ahmed Resident of Village Dharmuchak P.S. Nimchak Bathani District Gaya
2. Shahrukh Ahmed @ Md. Shahrukh Ahmed Son of Chand Ahmed @ Kamal Ahmed Resident of Village Dharmuchak P.S. Nimchak Bathani District Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Paras Nath, Advocate

For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-09-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. Petitioners seek bail, who are in custody since 07.06.2023, in connection with Nimchak Bathani P.S. Case No. 09 of 2022, F.I.R. dated 05.12.2021 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 504, 506, 427, 153A, 295, 325 of the Indian Penal Code.

3. Allegation against the petitioners is that they entered into the house of informant and brutally assaulted the informant and her family members and also they along with other co-accused broken the Shivling of Shanker Jee.

4. Learned counsel for the petitioners submits that



the petitioners are innocent and they have been falsely implicated in the present case. He further submits that there is exchequer history of case of counter case between the parties and side of the petitioners altogether five cases have been lodged against the informant and his family members. He further submits that from perusal of the F.I.R. it appears that there is no specific allegation of any assault or overt act attributed against the petitioners rather there is general and omnibus allegation against all the accused persons including the petitioners. He further submits that co-accused person namely Md. Asfuddin @ md. Arif Khan @ Asif Khan and Md. Sadan Ahmed @ md. Shadan Ahmed have been granted the privilege of anticipatory bail by a Coordinate Bench of this Court vide order dated 14.03.2023 passed in Cr. Misc. No. 71662 of 2022 and the police after investigation submitted chargesheet against the petitioners and the petitioners are in custody since 07.06.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners and submits that the petitioner no. 1 carries four more cases other than the present one whereas petitioner no. 2 carries three more cases other than the present one but fairly



submits on the basis of paragraph-3 of the bail petition that all the cases lodged by the informant and their family members.

6. Considering the facts and circumstances of the case, 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 learned Court of Chief Judicial Magistrate, Gaya in connection with Nimchak Bathani P.S. Case No. 09 of 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 bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, 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 antecedents, 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)

Ibrar//-

U		T	
---	--	---	--

