

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61384 of 2023

Arising Out of PS. Case No.-31 Year-2023 Thana- CHAKAND District- Gaya

1. Md. Motalib Son Of Md. Ayub
 2. Md. Sazid Son Of Md. Sabir
- Both Resident Of Village - Kasma, Police Station - Chakand, District - Gaya

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar, Advocate
For the Opposite Party/s : Mrs.Usha Kumari 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 12-10-2023 Heard Mr.Praveen Kumar, learned counsel for the

petitioners and Mrs.Usha Kumari 1, learned Additional Public

Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Chakand P.S.Case No.31 of 2023, FIR dated 29.01.2023 registered for the offences punishable under Sections 147, 149, 341, 323, 337, 338, 353, 427, 504, 506 of the Indian Penal Code.

3. Allegation against the petitioners is that they alongwith other co-accused persons have formed an unlawful assembly in prosecution of the common object of the same they were beating one Kapil Deo Yadav considering him to be a thief and when the police came there to save him then they had also



attacked on the police party.

4. Learned counsel for the petitioners submits that the petitioners have lean antecedent. They have falsely been implicated in the present case. Further submits that it appears from the FIR 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 and the name of the petitioners have been implicated on the basis of the disclosure made by the local Chaukidar.

5. Learned counsel for the informant and learned A.P.P. for the State, on the other hand, have vehemently opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts, petitioners have clean antecedent, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand)each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Gaya in connection with Chakand P.S.Case No.31 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of



Criminal Procedure and with other following conditions:-

(I) 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.

(II) 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.

(III) 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)

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