

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.66940 of 2023**

Arising Out of PS. Case No.-141 Year-2023 Thana- KOCHADHAMAN District- Kishanganj

1. Sharmila Begum @ Sharmila Wife Of Margub Alam, D/O. Raja Ahmad @ Raja Ahmad @ Raja Amad Resident Of Village - Dhanpura, P.S. - Kochadhaman, District - Kishanganj
2. Raja Ahmad @ Raja Ahmad @ Raja Amad Son Of Late Alauddin Resident Of Village - Dhanpura, P.S. - Kochadhaman, District - Kishanganj
3. Guljari Begum Wife Of Raja Ahmd @ Raja Ahmad @ Raja Amad Resident Of Village - Dhanpura, P.S. - Kochadhaman, District - Kishanganj
4. Arshi @ Arshi Babu @ Aarshee Son Of Raja Ahmd @ Raja Ahmad @ Raja Amad Resident Of Village - Dhanpura, P.S. - Kochadhaman, District - Kishanganj
5. Amir Sohail @ Aamir Sohair Son Of Raja Ahmd @ Raja Ahmad @ Raja Amad Resident Of Village - Dhanpura, P.S. - Kochadhaman, District - Kishanganj
6. Sahid Alam Son Of Majuddin Resident Of Village - Dhanpura, P.S. - Kochadhaman, District - Kishanganj
7. Gulerun Nisha @ Gulerun Wife Of Baccha Nunu Resident Of Majgamma, P.S. - Kishanganj, District - Kishanganj

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                |
|--------------------------|---|--------------------------------|
| For the Petitioner/s     | : | Mr. Diwakar Sinha, Advocate    |
| For the Opposite Party/s | : | Mr. Brajendra Nath Pandey, APP |
| For the Informant        | : | Mr. Raj Kumar, Advocate        |

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      01-11-2023                      Heard Mr. Diwakar Sinha, learned counsel for the petitioners, Mr. Raj Kumar, learned counsel appearing on behalf of the informant as well as Mr. Brajendra Nath Pandey, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Kochadhaman P.S. Case No. 141 of 2023,



F.I.R. dated 08.06.2023 for the offences punishable under Sections 147, 323, 324, 354B, 379, 380, 394, 406, 427, 504, 506 and 34 of the Indian Penal Code.

3. According to prosecution case, all the petitioners entered into the house of the informant and snatched several items including gold and silver ornaments and also assaulted the informant's father and mother.

4. Learned counsel for the petitioners submits that petitioner nos. 1, 2, 3, 5, 6 and 7 have clean antecedent and petitioner no. 4 carries one criminal antecedent and they have falsely been implicated in the present case. He further submits that it appears from the F.I.R that before lodging of the present F.I.R, the family member of the petitioner no. 1 have already filed a complaint petition against the informant and his family members i.e., Annexure 2 and the present complaint petition/F.I.R is filed in retaliation of the complaint petition filed by the family members of the petitioner no. 1. He further submits that the allegation as alleged in the complaint petition/F.I.R is false and fabricated and no such occurrence has taken place.

5. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have



vehemently opposed the prayer for bail of the petitioners and submits that there is specific allegation against these petitioners. He further submits that petitioner no. 4 carries one criminal antecedent other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner no. 4 is on bail in the said case.

6. Considering the aforesaid facts and circumstances and there is general and omnibus allegation against all the petitioners, let the petitioners, above named, in the event of 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 the learned Additional Chief Judicial Magistrate, Kishanganj in connection with Kochadhaman P.S. Case No. 141 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 bond shall be cancelled by the Court below.

ii. If the petitioners tampers 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 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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