

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64573 of 2023

Arising Out of PS. Case No.-120 Year-2023 Thana- SIMRI BAKHTIYARPUR District-
Saharsa

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1. MD. FAJIL @ FAJILAT Son of Late Md. Hanif Mian @ Md. Hanif R/o vill - Kantho Tola, ward no. 10, P.S. - Bakhtiyarpur (Balbahat O.P.), Distt. - Saharsa
 2. Md. Kyam @ Md. Kiyam Son of Late Md. Hanif Mian @ Md. Hanif R/o vill - Kantho Tola, ward no. 10, P.S. - Bakhtiyarpur (Balbahat O.P.), Distt. - Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhav Jha, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 06-12-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners seek regular bail in connection with
Simri Bakhtiyarpur (Balbahat O.P.) P.S. Case No. 120 of 2023,
lodged on 18.03.2023, under Sections 147/148/149/341 /323 /
324/379/307/302/504/506 of the I.P.C.

3. As per the prosecution, FIR has been lodged against
14 named accused persons against whom there is an allegation
that they all attacked on the informant's side by virtue of Lathi,
Farsa, Axe and Khanti. As a result of which, Md. Tajbul and
informant have sustained injuries.



4. Learned counsel for the petitioners submits that there are two petitioners in the present case. Antecedent of both the petitioners are clean. Petitioner No.1 is in custody since 16.05.2023 and petitioner No.2 is in custody since 25.05.2023. Counsel submits that charge has already been framed in this case. Counsel further submits that from the content of FIR there is nothing specific against the petitioners. Neither any act or overt-act was there. Counsel further submits that case-diary has already been received and the cause of dispute has been shown in the FIR itself is the scuffle between the children of both the families. Counsel further submits that the informant and the petitioner both are the resident of same village and well known to each other.

5. Learned counsel for the State opposes the prayer for bail.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioners, above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa, in connection with Simri Bakhtiyarpur (Balbahat O.P.) P.S. Case No.120/2023, subject to the following



conditions:

(i) One of the bailor should be the family member of the petitioners who shall provide official document to show his *bona fide*;

(ii) The petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bonds by the Trial Court itself;

(iii) The petitioners shall appear before the concerned police station every month for one year to mark attendance;

(iv) The petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) The petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J)

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