

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70438 of 2023

Arising Out of PS. Case No.-153 Year-2023 Thana- SAHEBPUR KAMAL District-
Begusarai

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1. Md. Akhalak Ahamad @ Md. Akhlaque Son Of Khalik Hussain @ Md. Khalil Resident Of Village- Bishunpur Ahok, Ward No 15, Police Station -SAHEBPUR Kamal, District -BEGUSARAI
 2. Md. Abbu @ Abbu Jafar @ Abu Zafar Son Of Khalik Hussain @ Md. Khalil Resident Of Village- Bishunpur Ahok, Ward No 15, Police Station -SAHEBPUR Kamal, District -BEGUSARAI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yogesh Kumar, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-11-2023 Heard Mr. Yogesh Kumar, learned counsel for the

petitioners and Mr. Bharat Bhushan, learned Additional Public

Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Sahebpur Kamal P.S. Case No. 153 of 2023, F.I.R. dated 04.06.2023 for the offences punishable under Sections 341, 323, 504, 506 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. According to prosecution case, a quarrel took place between the parties where these petitioners have open fired in the air and also abused each other.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent/ and they have falsely been implicated in the present case. He further submits that it appears



from the F.I.R that the date of occurrence as alleged in the F.I.R is 02.06.2023 but the present F.I.R has been instituted on 08.06.2023 i.e., after delay of 2 days without giving any explanation of the said delay only to implicate the petitioners in the present false case. He further submits that the informant is not the eye witness of the alleged occurrence and merely on the basis of suspicion he has implicated these petitioners.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners and submits that it appears that there is direct and specific allegation against the petitioners that they have fired in the air.

6. Considering the aforesaid facts and circumstances and the petitioners have clean antecedent and the informant is not the eye witness of the alleged occurrence and no one was injured in the present occurrence, 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 IV, Begusarai in connection with Sahebpur Kamal P.S. Case No. 153 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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