

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74036 of 2022

Arising Out of PS. Case No.-187 Year-2022 Thana- VAISHALI District- Vaishali

1. Shamim Alam @ Bholi Son Of Late Md. Yasin @ Yasin Mrigsikar R/O Village- Majhauri, P.S.- Viashali (BELSAR O.P.), District- Vaishali At Hajipur (BIHAR)
2. Md. Mister Son Of Late Aziz Miya @ Aziz Mrigsikar R/O Village- Majhauri, P.S.- Viashali (BELSAR O.P.), District- Vaishali At Hajipur (BIHAR)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 17-04-2023 Heard learned counsel for the petitioners and the learned APP for the State.

The petitioners are in judicial custody in connection with Vaishali (Belsar O.P.) P.S. Case No. 187 of 2022 instituted under Sections 147, 148, 149, 341, 323, 324, 325, 376, 511, 379 504 and 506 of the I.P.C. lodged on 01.06.2022 by the informant Nasrin Praveen.

As per the FIR, the informant purchased the land from Ashad Ali Khan but Md. Ali Khan started demanding extortion. The said Md. Ali Khan is the step-brother of Ashad Ali Khan. He along with Md. Washi Alam came to her house and started abusing her and threatened her for extortion. It was further alleged that on 28.05.2022, as the informant was doing



construction work of house over the purchased land, Md. Ali Khan came there along with 15-20 persons from another vehicle and resorted to firing. It was further alleged that Md. Ehtesan Ali Khan @ Chotu and Md. Ali Khan caught her hand and boarded her in the vehicle forcefully. Thereafter, said Md. Sahnawaj Khan, Md. Ekbal Khan tried to committ rape in the vehicle and Ehtesam Ali Khan was showing fire arms. It was alleged that Shami Alam @ Bhola, Md. Mister, Md. Abdullah, Md. Jesan, Md. Rehan Khan @ Tipu and Javed Ahmad Khan and others attacked her family members on which Md. Jamsed became injured and his hand was broken. Further allegation is that Md. Ali Khan and Sahnawaj Khan snatched golden chain and fled away from vehicle.

It has been contended by learned counsel for the petitioners that so far as these two petitioners are concerned, omnibus allegation has been made that they along with other co-accuseds assaulted causing injury to the brother-in-law (Debar) of the informant and further snatching of gold chain is on other persons. Further with the help of paragraph-14, it has been submitted that although allegation of fracture of hand is there, no such injury report till the filing of the bail application was part of record before the learned Trial court. The last contention



is that irrespective of outcome of the present case, the two petitioners intend to pay Rs.10,000/- each (total Rs.20,000/-) to the injured which will be deposited before the concerned court. The same is being done without accepting any of the allegation made in the FIR.

Learned APP opposes the prayer stating that they were part of the mob that assaulted the 'Devar' of the informant causing injuries to him. The further contention of learned APP is that the petitioner no.1 is also having criminal antecedent.

Considering the fact that omnibus allegation is against the petitioners herein, they are in custody since 17.08.2022 (para-22 of the petition) and will be ultimately facing the trial, this Court is inclined to extend them privilege of bail with conditions subject to payment of Rs.20,000/-, as stated above. The learned trial court will look into veracity of the submission put forward by the learned counsel for the petitioner on the point whether the medical document relating to the injury as alleged in the FIR is available or not.

Let both the petitioners be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Vaishali (Belsar O.P.) P.S. Case No. 187 of 2022 to the satisfaction of



learned Chief Judicial Magistrate, Vaishali at Hajipur, subject to following conditions:

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her 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 bond by the Trial court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark attendance;

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

(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 their bail bonds.

(Rajiv Roy, J)

Prakash Narayan /-

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

