

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73465 of 2023

Arising Out of PS. Case No.-167 Year-2022 Thana- GAYA MUFASIL District- Gaya

1. Md Sunny @ Md. Tousif @ Rehan, aged about 29 years, Male Son of Md. Ahsan @ Md. Rehan.
2. Md. Akbar, aged about 31 years, Male Son of Late Md. Noor Alam.
3. Md. Samir, aged about 25 years, Son of Md. Rizwan.
4. Md. Wasim, aged about 24 years, Son of Md. Ahsan,
All resident of Village- Bhadeja, P.S.- Muffasil, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivendra Prasad, Advocate
For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-11-2023 Heard Mr. Shivendra Prasad, learned counsel for the

petitioners and Mr. Mithlesh Kumar Khare, learned Additional

Public Prosecutor for the State.

2. Petitioners seek bail who is in custody since
15.06.2023 in connection with Muffasil P.S. Case No. 167 of
2022, F.I.R. dated 15.03.2022 for the offence punishable under
Sections 147, 148, 149, 323, 307, 379, 427 and 504 of the
Indian Penal Code.

3. Learned counsel for the petitioners submits that
earlier the petitioners have approached the Hon'ble Court in Cr.
Misc. No. 61998 of 2023 which was permitted to be withdrawn



vide order dated 25.09.2023 with the liberty to file a fresh application and pursuant to that liberty the petitioners have filed the present application.

4. Learned counsel for the petitioners submits that petitioners have falsely been implicated in the present case due to admitted election dispute between the parties and there is case and counter case. From perusal of the FIR, it appears that there is allegation of assault attributed against co-accused persons namely Md. Altaf and there is no specific allegation of assault or overt act attributed against these petitioners rather there is general and omnibus allegation against rest of the accused persons. He further submits that similarly situated co-accused persons namely Md. Akhtar @ Pappu has been granted bail vide order dated 27.09.2023 in Cr. Misc. No. 62300 of 2023 and Md. Altaf against whom the allegation of assault has been granted bail vide order dated 12.10.2023 in Cr. Misc. No. 65093 of 2023 and the police after investigation submitted chargesheet against the petitioners and the petitioners are in custody since 15.06.2023.

5. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners and submits that petitioners are named in the FIR and they have



assaulted the informant and their family members. Apart from the aforesaid fact petitioner no. 1, carries one case, petitioner no. 2 carries two cases and petitioner no. 3 carries two cases other than the present and petitioner no. 4 has clean antecedent. Learned counsel for the petitioners fairly submits that in paragraph no. 3 of the bail petition petitioners are on bail in all the pending cases.

6. Considering the aforesaid facts and circumstances and period of custody, let the petitioners, above named, 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 Chief Judicial Magistrate, Gaya in connection with Muffasil P.S. Case No. 167 of 2022, subject to the 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 his criminal antecedent, the Court below shall take step for cancellation of their 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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