

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74615 of 2022

Arising Out of PS. Case No.-153 Year-2022 Thana- AMDABAD District- Katihar

1. Anarul Haque S/o Late Usman Ali R/v- Dakra English, P.S.- Amdabad, District- Katihar
2. Mokhtar Alam S/o Abdul Salem R/v- Dakra English, P.S.- Amdabad, District- Katihar
3. Abu Talib S/o Abdul Salem R/v- Dakra English, P.S.- Amdabad, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur Mrs. Vaishnavi Singh, Advocates
For the Opposite Party/s	:	Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 06-04-2023 Heard Mr. Ajay Kumar Thakur, learned Senior
counsel for the petitioners and learned APP for the State.

Petitioners seek bail, who are in custody since 17.07.2022, in connection with Amdabad P.S. Case No. 153 of 2022, F.I.R. dated 15.09.2022 registered for the offences punishable under Sections 302, 120(B)/34 of the Indian Penal Code.

The prosecution case, in brief, is that on 14.07.2022 at about 10:00 P.M. after taking meal the informant namely Sunita Devi was slept along with children. At about 11:45 she heard the cry of her father-in-law Kailash Choudhary, who was



sleeping on machan near mango tree and when she went there she saw her father-in-law fallen on the ground and was scrambling and was in pool of blood. Due to darkness, she failed to identify the accused persons who fled away from the angan. Her father-in-law was assaulted by bhala at his chest, hand and leg and was unable to speak. She along with her family members brought her father-in-law to the Primary Health Centre, Amdabad where the doctor declared him dead. Her father-in-law had a land dispute before the accused persons, named in the F.I.R. and always used to come to her house and gave threatening to her father-in-law to kill him.

Learned Senior counsel for the petitioners submits that the petitioner no.1 is an accused in one case in which he has been acquitted from the charges levelled against him whereas petitioner nos. 2 and 3 have clean antecedents and they have been falsely implicated in the present case only on the basis of suspicion. He further submits that due to admitted land dispute the petitioners have been falsely implicated in the present case. He further submits that in fact the informant is a so-called eye witness but she could not identify the petitioners and except the suspicion, no other cogent material has come during investigation to suggest the involvement of the petitioners in the



present occurrence. He further submits that the police after investigation submitted chargesheet against the petitioners and the petitioners are in custody since 17.07.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned District & Sessions Judge, Katihar in connection with Amdabad P.S. Case No. 153 of 2022, subject to the following conditions :-

(1) 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 bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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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