

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74723 of 2022

Arising Out of PS. Case No.-108 Year-2022 Thana- ASARGANJ District- Munger

1. MD. MODABBIR.
2. MD. MOSRAF
Both Sons of S/O MD. ISRAIL, Resident of Village- Bishanpur, P.S.-
Asarganj, District- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh, APP
For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

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

The petitioners seek bail in connection with Asarganj
P.S. Case No. 108 of 2022, F.I.R. dated 13.07.2022 registered
for the offence punishable under Sections 341, 323, 324, 325,
447, 504, 506/34 of the Indian Penal Code. Later on Sections
147,148,149,302 of IPC was also added.

Allegation against the petitioners is that they assaulted
to the informant with sword and knife, consequently, he
sustained injury on his head and the blood came out from his
head. During course of treatment, he died.

Learned counsel appearing for petitioners submits that



the petitioners have clean antecedent and they have falsely been implicated in the present case. Further submits that the allegation as alleged in the FIR is false and fabricated. No such occurrence had taken place. Further submits that the allegation as alleged in the FIR does not support the postmortem report of the deceased and the police, after investigation, submitted chargesheet against the petitioners and petitioner No.1 is in custody since 30.07.2022 and petitioner is in custody since 27.08.2022 respectively.

Learned APP 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/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-2nd, Munger in connection with Asarganj P.S. Case No. 108 of 2022 with 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 witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

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)

Nitesh/-

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

