

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4971 of 2024

Arising Out of PS. Case No.-80 Year-2022 Thana- GOGRI District- Khagaria

1. Md. Ilyas @ Ilyas Mian Son Of Md. Fakir Mian Resident Of Village- Navtoliya, Ps- Gogari, Distt- Khagaria
2. Md. Asfaque Miya Son Of Md. Ilyas Resident Of Village- Navtoliya, Ps- Gogari, Distt- Khagaria
3. Md. Rizwan @ Md. Rizwan Mian Son Of Md Ilyas Resident Of Village- Navtoliya, Ps- Gogari, Distt- Khagaria
4. Md. Israfil Son Of Md. Fakruddin Mian Resident Of Village- Navtoliya, Ps- Gogari, Distt- Khagaria
5. Md. Alam Son Of Md Fakruddin Mian Resident Of Village- Navtoliya, Ps- Gogari, Distt- Khagaria
6. Md. Tanwir Son Of Md. Rahis Resident Of Village- Navtoliya, Ps- Gogari, Distt- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vivekanand Singh, Advocate
For the State	:	Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-03-2024 Heard Mr. Vivekanand Singh, learned counsel for the petitioners and Mr. Navin Kumar Pandey, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Gogari P.S. Case No. 80 of 2022, F.I.R. dated 13.03.2022 for the offences punishable under Sections 341, 323, 324, 307, 379, 504, 506 and 34 of the Indian Penal Code.

3. According to prosecution case, petitioners are said



to have assaulted the informant and his family members.

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 as per the allegation in the FIR the petitioner no.3 has assaulted to the informant and his brother. He further submits that although informant and his brother sustained injuries but the injury report of the injured persons suggests that the injury is simple in nature caused by the hard and blunt substance and they have received only one injury and as per FIR the allegation against all the accused persons that they have also assaulted to the informant and his brother.

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

6. Considering the aforesaid facts, the petitioners have clean antecedent and the injuries report of the injured person suggests that the injuries are simple in nature, 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 bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial



Magistrate 1st Class, Khagaria in connection with Gogari P.S.
Case No. 80 of 2022, 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. 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.

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 bonds 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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