

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7238 of 2024

Arising Out of PS. Case No.-331 Year-2022 Thana- CHAUTHAM District- Khagaria

1. Imteyaz Alam @ Mohammad Imteyaz Alam S/o Mohammad Isa R/o Vill - Mohanpur Thane Tola, P.S. - Chautham, Dist. - Khagaria
2. Md. Isa Uddin @ Md. Isa @ Isa Uddin S/o Nasir Uddin R/o Vill - Mohanpur Thane Tola, P.S. - Chautham, Dist. - Khagaria
3. Izhar Alam @ Md. Izhar Alam S/o Md. Isa Uddin R/o Vill - Mohanpur Thane Tola, P.S. - Chautham, Dist. - Khagaria
4. Istiyaq Alam @ Md. Istiyaq Alam S/o Md. Isha Uddin R/o Vill - Mohanpur Thane Tola, P.S. - Chautham, Dist. - Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Jyoti Prasad, Advocate

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-02-2024 Heard Ms. Jyoti Prasad, learned counsel for the petitioners and Mr. Ram Naresh Ray, learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Chautam P.S. Case No. 331 of 2022, F.I.R. dated 09.12.2022 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 504 of the Indian Penal Code and Section 27 of the Arms Act.

3. Allegation against the petitioners is that they along with other accused persons came having weapons and accused Isauddin instated that to start 'Patwan-Jot' then the informant forbid not to do so thereafter the accused petitioners assaulted



him and his nephew and also opened fire with intention to kill him.

4. Learned counsel for the petitioners submits that the petitioner nos. 1, 2 and 4 having clean antecedents and petitioner no. 3 carries one more case other than the present one in which he is on bail and they have been falsely implicated in the present case. She further submits that from perusal of the F.I.R. it appears that the present F.I.R. is counter blast of Chautham P.S. Case No. 330 of 2022 filed by the wife of Aurangjeb who is one of the accused person in the present F.I.R. and from perusal of the F.I.R. it appears that there is no specific allegation of any assault or overt act attributed against the petitioners rather there is general and omnibus allegation against all the accused persons including these petitioners.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the case, let the petitioners, above named, in the event of their 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 bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Chautham P.S. Case No. 331 of 2022, subject to the conditions as



laid down under Section 438(2) of the Code of Criminal Procedure and with other 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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