

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18277 of 2024

Arising Out of PS. Case No.-163 Year-2023 Thana- KURSAKANTA District- Araria

1. Shish Mohammad S/o Late Jamaluddin @ Lahauri R/o vill - Naya Tola Siktiya, P.s. - Sonamani Godam (Kusakanta), Dist. - Araria
2. Sakur Ansari S/o Late Gafur Ansari R/o vill - Naya Tola Siktiya, P.s. - Sonamani Godam (Kusakanta), Dist. - Araria
3. Jalaluddin S/o Late Sallauddin R/o vill - Naya Tola Siktiya, P.s. - Sonamani Godam (Kusakanta), Dist. - Araria
4. Anwar @ Anwar Ansari S/o Late Bahrullah R/o vill - Naya Tola Siktiya, P.s. - Sonamani Godam (Kusakanta), Dist. - Araria
5. Rehana @ Rehana Khatoon W/o Zubair Ansari R/o vill - Naya Tola Siktiya, P.s. - Sonamani Godam (Kusakanta), Dist. - Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N. K. Agrawal, Sr. Advocate
	:	Mr. Arvind Kumar, Advocate
	:	Mr. Kumar Rajdeep, Advocate
	:	Ms. Diksha Kumari, Advocate
For the Informant	:	Mr. Rananjay Kumar, Advocate
For the State	:	Mr. Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-03-2024 Heard Mr. N. K. Agrawal, learned senior counsel for the petitioners, Mr. Rananjay Kumar, learned counsel for the informant and Mr. Madhura Nand Jha, learned Additional Public Prosecutor appearing on behalf of the State.

2. The petitioners are apprehending their arrest in connection with Kursakanta (Sonamani Godam) P.S. Case No. 163 of 2023, F.I.R. dated 06.07.2023 for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 325, 307, 354(B), 379, 504 and 506 of the Indian penal Code and later on Section



302 of the Indian Penal Code was also added.

3. According to prosecution case, petitioners along with other co-accused persons are said to have assaulted the informant and his father. During the course of the treatment the father of the informant died.

4. Learned senior counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that from a bare perusal of the FIR it appears that the present FIR is in two parts, in the first part there is general and omnibus allegation against all the accused persons including these petitioners and in the second part there is specific allegation of assault is attributed against the co-accused person, namely, Nazmul Ansari and there is no specific allegation of any assault or overt act against these petitioners. He further submits that the police after investigation has submitted the final form in favour of the petitioners and they were not sent up for trial but learned Court below vide order dated 02.11.2023 has taken cognizance against the petitioners.

5. Learned counsel for the informant as well as learned Additional Public Prosecutor for the State, on the other hand, have vehemently opposed the prayer for bail of the petitioners and submits that the petitioners are named in the



FIR.

6. Considering the aforesaid facts and circumstances, 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 A.C.J.M.-I, Araria in connection with Kursakanta (Sonamani Godam) P.S. Case No. 163 of 2023, 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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