

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17762 of 2024

Arising Out of PS. Case No.-228 Year-2023 Thana- PALASI District- Araria

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1. Md. Ayas @ Ayas son of Tamiz Uddin Resident of Village- Kakorwa, Panchayat- Dehti, South, Ward No.- 05, PS- Palasi, Dist- Araria
 2. Md. Arshad son of Md. Israil Resident of Village- Kakorwa, Panchayat- Dehti, South, Ward No.- 05, PS- Palasi, Dist- Araria
 3. Md. Jahid @ Jahid son of Ayas @ Md. Ayas Resident of Village- Kakorwa, Panchayat- Dehti, South, Ward No.- 05, PS- Palasi, Dist- Araria
 4. Md. Firoz son of Hasebul Resident of Village- Kakorwa, Panchayat- Dehti, South, Ward No.- 05, PS- Palasi, Dist- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Raj Kumar, Advocate
For the Opposite Party/s	:	Mr. Raj Ballabh Singh, APP
For the Informant	:	Mr. Md. Ziaul Quamar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-03-2024 Heard Mr. Raj Kumar, learned counsel for the petitioners, Mr. Md. Ziaul Quamar, learned counsel appearing on behalf of the informant as well as and Mr. Raj Ballabh Singh, learned Additional Public Prosecutor for the State.

2. After some argument, learned counsel for the petitioners seeks permission to withdraw this application with respect to petitioner no. 1, namely, Md. Ayas @ Ayas.

3. Permission is accorded.

4. Accordingly, this application stands dismissed as withdrawn with respect to petitioner no. 1.



5. The petitioners (except petitioner no. 1) are apprehending their arrest in connection with Palasi P.S. Case No. 228 of 2023, F.I.R. dated 26.07.2023 for the offences punishable under Sections 47, 148, 149, 341, 323, 324, 307, 448, 427, 354B, 379, 504 and 506 of the Indian Penal Code.

6. According to prosecution case, all the accused persons including the petitioners have assaulted the informant and his family members and looted the house of the informant and fled away.

7. Learned counsel for the petitioners submits that petitioner no. 4 has clean antecedent and petitioner no. 2 carries four criminal antecedents and petitioner no. 3 carries six criminal antecedents other than the present one and they have falsely been implicated in the present case and due to admitted land dispute between the parties, the present occurrence has taken place. He further submits that there is case and counter case between the parties. He further submits that the specific allegation of assault is attributed against the co-accused, namely, Md. Ayas and there is no allegation of any assault or overt act attributed against these three petitioners and they are only member of the mob.

8. The learned counsel appearing on behalf of the



informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioners and submits that the petitioners no. 2 and 3 carries four and six criminal antecedents respectively but fairly submits on the basis of paragraph 3 of the bail petition that the petitioners are on bail in all the pending cases.

9. Considering the aforesaid facts and circumstances, let the petitioners (except petitioner no. 1), 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 bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-I, Araria in connection with Palasi P.S. Case No. 228 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.



ii. If the petitioners tampers 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 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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