

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23859 of 2024

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

1. Md. Imam @ Imam son of Md. Ayas @ Ayas, Resident of Village- Kakorwa, Panchayat- Dehti, South Ward No.- 05, PS- Palasi, Dist- Araria
2. Md. Shahid son of Md. Ayas @ Ayas, Resident of Village- Kakorwa, Panchayat- Dehti, South, Ward No.- 05, PS- Palasi, Dist- Araria
3. Md. Sohail son of Alauddin, Resident of Village- Kakorwa, Panchayat- Dehti, South, Ward No.- 05, PS- Palasi, Dist- Araria
4. Md. Rafat @ Rafat Alam son of Israil, Resident of Village- Kakorwa, Panchayat- Dehti, South, Ward No.- 05, PS- Palasi, Dist- Araria

... .. Petitioners

Versus

The State of Bihar

... .. State

Appearance :

For the Petitioners	:	Mr. Raj Kumar, Advocate Ms. Beauty Verma, Advocate
For the State	:	Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 28-06-2024 Heard Mr. Raj Kumar, the learned counsel for the petitioners and Mr. Raj Ballabh Singh, the learned Additional Public Prosecutor for the State.

2. After some arguments, learned counsel for the petitioners seek permission to withdraw the anticipatory bail application with respect to petitioner no. 1 namely, Md. Imam @ Imam.

3. Permission, as prayed for, is accorded.

4. Accordingly, the anticipatory bail application with respect to petitioner no. 1, namely, Md. Imam @ Imam is



dismissed as withdrawn.

5. The petitioner nos. 2, 3 and 4 are apprehending their arrest in connection with Palasi PS Case No. 228 of 2023, FIR dated 26.07.2023, registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 448, 427, 354(B), 379, 504 and 506 of the Indian Penal Code.

6. According to prosecution case, all the FIR named accused persons, variously armed, came to the personal land of informant and started constructing *pukka* house and later they also broke into the courtyard of informant and Imam assaulted to the head of one Galib by means of *farsa*, Md. Rafat assaulted on the head of one Md. Khalid by means of *farsa*, Md. Imtiyaz assaulted to the daughter of the informant and snatched ornament worth 3,00,000/- (Rupees three lakh), Md. Shahid and Md. Imam assaulted one Nahir by means of iron-rod, Israil assaulted to the informant by means of wood *pitana* on his chest. It is further alleged that they also stole Super Splendor motorcycle from the informant's house and also looted the house of the informant.

7. Learned counsel for the petitioner nos. 2, 3 and 4 submits that petitioner nos. 2, 3 and 4 have falsely been implicated in the present case and due to admitted land dispute



the present occurrence has taken place. He further submits that although the allegation levelled against the petitioner nos. 2, 3 and 4 is that they have assaulted the family members of the informant and although they have received the injuries, but the injury report of the family members of the informant suggests that injury is simple in nature. He lastly submits that the co-accused persons namely, Ansari @ Bibi Ansari Khatoon & Ors. have been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court vide order dated 08.01.2024 passed in Cr. Misc. No. 83008 of 2023.

8. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner nos. 2, 3 and 4 and submits that petitioner no. 2 carries three criminal antecedents, petitioner no. 3 carries two criminal antecedents and petitioner no. 4 carries three criminal antecedents, however, he fairly admits that petitioner nos. 2, 3 and 4 are on bail in all the pending matters.

9. Considering the aforesaid facts and circumstances and mainly the fact that injury report of the family members of the informant suggests that injury is simple in nature and other similarly situated co-accused persons have been granted the privilege of anticipatory bail, let the petitioner nos. 2, 3 and 4,



above-named, in the event of their arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory 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, where the case is pending in connection with **Palasi PS Case No. 228 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). petitioner nos. 2, 3 and 4 shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the learned trial Court.

(ii). If the petitioner nos. 2, 3 and 4 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 learned trial Court shall verify the criminal antecedent of the petitioner nos. 2, 3 and 4 and in case, at any stage, it is found that the petitioner nos. 2, 3 and 4 have concealed their criminal antecedent, the



learned trial Court shall take step for cancellation of bail bond of the petitioner nos. 2, 3 and 4. 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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