

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16478 of 2024

Arising Out of PS. Case No.-245 Year-2023 Thana- BARSOI District- Katihar

1. Md. Mister Son of Md. Naak Katta, Resident of Village - Belwadangi, P.O. - Dhachna, Police Station - Barsoi, District - Katihar.
2. Md. Satwa @ Md. Satba @ Dawad @ Md. Dawad Son of Md. Naak Katta, Resident of Village - Belwadangi, P.O. - Dhachna, Police Station - Barsoi, District - Katihar.
3. Md. Ishaque, Resident of Village - Belwadangi, P.O. - Dhachna, Police Station - Barsoi, District - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Ejaz Akhtar, Advocate

For the Opposite Party/s : Mr. Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 18-04-2024 Heard Mr. Md Ejaz Akhtar, the learned counsel for the petitioners and Mr. Uday Pratap 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. 3 namely, Md. Ishaque.

3. Permission, as prayed for, is accorded.

4. Accordingly, the anticipatory bail application with respect to petitioner no. 3 is dismissed as withdrawn.

5. The petitioner nos. 1 and 2 are apprehending their arrest in connection with Barsoi PS Case No. 245 of 2023, FIR



dated 23.07.2023, registered for the offences punishable under Sections 452, 341, 323, 324, 379, 307, 504 and 506 read with Section 34 of the Indian Penal Code.

6. According to prosecution case, ten to twelve persons assaulted the informant. It is further alleged that Md. Mister and Md. Satwa tried to tried to strangle the informant and Md. Ishaque tried to kill the informant by assaulting him with a sharp edged weapon. It is further alleged that they took Rs. 22,000/- (Rupees twenty-two thousand), gold ring and documents relating to land property. It is further alleged that Md. Kadir, who is the nephew of Md. Mister, kidnapped the wife of the informant.

7. Learned counsel for the petitioner nos. 1 and 2 submits that petitioner nos. 1 and 2 have clean antecedent and they have falsely been implicated in the present case and due to previous enmity the present occurrence has taken place. He further submits that upon perusal of the FIR, it appears that there is no specific allegation of any assault or overt act, rather there is general and omnibus allegation against the petitioner nos. 1 and 2 and the specific allegation of assault is against the co-accused person namely, Md. Ishaque.

8. The learned Additional Public Prosecutor for the



State on the other hand has vehemently opposed the prayer for bail of the petitioner nos. 1 and 2.

9. Considering the aforesaid facts and circumstances and the fact that petitioner nos. 1 and 2 have clean antecedents and there is no specific allegation of assault or overt act against them, let the petitioner nos. 1 and 2, above-named, in the event of their arrest or surrender before the 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, Katihar, where the case is pending in connection with **Barsoi PS Case No. 245 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. 1 and 2 shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial Court and shall remain physically present as directed by the trial Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the trial Court.

(ii). If the petitioner nos. 1 and 2 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 trial Court shall verify the criminal antecedent of the petitioner nos. 1 and 2 and in case, at any stage, it is found that the petitioner nos. 1 and 2 have concealed their criminal antecedent, the trial Court shall take step for cancellation of bail bond of the petitioner nos. 1 and 2. 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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