

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18106 of 2024

Arising Out of PS. Case No.-311 Year-2023 Thana- SAMASTIPUR District- Samastipur

1. Md. Aakib Jawed Son Of Late Md. Mustafa R/O-Jitwarpur Chauth, P.S.-mufassil, Distt.-samastipur
2. Rahat Perween @ Rahat Praveen Wife Of Aakib Jawed R/O-Jitwarpur Chauth, P.S.-mufassil, Distt.-samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Syed Asgher Najmi, Advocate
For the State	:	Mr. Ashok Kumar Singh, APP
For the Informant	:	Mr. Sumit Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-04-2024 Heard Mr. Syed Asgher Najmi, learned counsel for the petitioners and Mr. Sumit Kumar, learned counsel for the informant along with Mr. Ashok Kumar singh, learned Additional Public Prosecutor appearing on behalf of the State.

2. The petitioners are apprehending their arrest in connection with Samastipur (Town) P.S. Case No. 311 of 2023, F.I.R. dated 14.11.2023 for the offences punishable under Sections 447, 448, 341, 323, 504, 385, 387, 506, 379 and 34 of the Indian Penal Code.

3. According to prosecution case, petitioners along with other co-accused persons are said to have tried to break the lock of the shop. On protest, they assaulted the informant and also fired upon him due to which the informant sustained injury in his temple and become unconscious.



4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case merely to save the skin from Samastipur Town P.S. Case No. 310 of 2023 filed by the petitioner no.2 against the informant and other persons. He further submits that the allegation as alleged is false and fabricated and the petitioners have not committed any offence as alleged in the FIR and they have been made accused in the present case due to some ulterior motive.

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 have tried to capture the shop in question.

6. Considering the aforesaid facts and circumstances and the fact that the petitioners having clean antecedent and there is case and counter case between the parties, 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 Chief Judicial Magistrate, Samastipur in connection with Samastipur (Town) P.S. Case No.



311 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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