

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18316 of 2024

Arising Out of PS. Case No.-107 Year-2023 Thana- BHAWANIPUR District- Purnia

1. MD. MAHTAB ALAM Son of Late Md. Mumtaj Alam @ Md. Mumtaz Alam Resident of Village-Badi Bhandsar, Police Station-Bhawanipur, District-Purnea.
2. IJHAR ALAM Son of Late Md. Mumtaj Alam @ Md. Mumtaz Alam Resident of Village-Badi Bhandsar, Police Station-Bhawanipur, District-Purnea.
3. MD. RINKU @ RINKU @ INTKHAB Son of Late Md. Mumtaj Alam @ Md. Mumtaz Alam Resident of Village-Badi Bhandsar, Police Station-Bhawanipur, District-Purnea.
4. MD. SONU ALAM @ SONU @ FAIYAZ ALAM Son of Md. Batoran Resident of Village-Badi Bhandsar, Police Station-Bhawanipur, District-Purnea.
5. MUNMA ALAM @ RIYAZ @ MD. MUNNA ALAM Son of Md. Batoran Resident of Village-Badi Bhandsar, Police Station-Bhawanipur, District-Purnea.
6. SK. MUNNA @ MD. MUNNA @ MD. MUNNA ALAM Son of Sk. Maddi Resident of Village-Badi Bhandsar, Police Station-Bhawanipur, District-Purnea.
7. MD. SHAHJAD ALAM @ SAJJAD Son of Md. Nasim Resident of Village-Birniha, Police Station-Bhawanipur, District-Purnea.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Hussain, Advocate
For the Opposite Party/s : Mrs. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-04-2024 Heard Mr. Md. Hussain, learned counsel for the
petitioners and Mrs. Madhuri Lata, learned APP for the State.

2. The petitioners are apprehending their arrest in
connection with Bhawanipur P.S. Case No. 107 of 2023, F.I.R.
dated 29.04.2023 registered for the offences punishable under



Sections 147, 149, 341, 323, 342, 353, 365, 379, 504, 506 of the Indian Penal Code.

3. Prosecution case, in brief, is that the petitioner no. 1, namely Md. Mahtab Alam and other accused petitioners as well as 10-15 unknown persons by forming an unlawful assembly came and surrounded the informant and his father and started abusing them with filthy language and petitioner namely Md. Mahtab Alam extended threatening to teach lesson to them as during the course of bank duty, stand me in queue. It is further alleged that the accused persons started assaulting the informant by lathi-danda, punches and legs brutally due to which informant sustained injury on his hand, leg, knee and shoulder. His father tried to save him then accused petitioners also assaulted him. Thereafter, on the order of the petitioner namely Md. Mahtab Alam, other petitioners forcibly brought him to his Darwaza and confined in a room and extended threat to kill him by touching electricity power.

4. Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offence as alleged in the



F.I.R.. He further submits that from perusal of the F.I.R. it appears that there is no specific allegation of any assault or overt act attributed against these petitioners rather there is general and omnibus allegation against the accused persons including the petitioners.

5. Learned APP for the State has vehemently opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts that the petitioners having clean antecedents and there is no specific allegation of any assault or overt act attributed against these petitioners, let the petitioners, above named, in the event of their 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/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea in connection with Bhawanipur P.S. Case No. 107 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) 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 bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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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