

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23090 of 2024

Arising Out of PS. Case No.-284 Year-2021 Thana- BISFI District- Madhubani

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1. Md. Sadab @ Md. Alam S/o Murtaja Shekh R/o vill - Damla, P.S - Bisphi (O.P. Patauna), Distt. - Madhubani
 2. Md. Sarfaraz @ Sarfaraz S/o Murtaza Shekh R/o vill - Damla, P.S - Bisphi (O.P. Patauna), Distt. - Madhubani
 3. Md. Kamil @ Md. Kamil Shadab S/o Shadav Sheikh R/o vill - Damla, P.S - Bisphi (O.P. Patauna), Distt. - Madhubani
 4. Md. Dilshad S/o Murtaza Sheikh R/o vill - Damla, P.S - Bisphi (O.P. Patauna), Distt. - Madhubani
 5. Md. Irshad @ Irshad Ali S/o Murtaza Sheikh R/o vill - Damla, P.S - Bisphi (O.P. Patauna), Distt. - Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kafil Ahmad S/o Ataur Rahman R/o vill - Balant, P.S. - Rahika, Distt. - Madhubani

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Shailendra Kumar Jha, Advocate
For the Opposite Party/s :	Ms. Suman Kumari Singh, APP
For the Informant	Mr. Virendra Kumar, Advocate
	Mr. Alok Kumar Alok, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-04-2024 Heard Mr. Shailendra Kumar Jha, learned counsel for the petitioners, Mr. Virendra Kumar, learned counsel appearing on behalf of the informant as well as Ms. Suman Kumari Singh, learned Additional Public Prosecutor for the State.

2. After some arguments, learned counsel for the petitioners seeks permission to withdraw this application with



respect to petitioner no. 1, namely, Md. Sadab @ Md. Alam.

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 Accordingly, this application stands dismissed as withdrawn with respect to petitioner no. 1.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 Bisphi (O.P Patauna) P.S. Case No. 284 of 2021, F.I.R. dated 05.12.2021 for the offences punishable under Sections 363, 365/34 of the Indian Penal Code.

6. According to prosecution case, the co-accused, namely, Md. Sadab @ Md. Alam has taken loan from son-in-law of the informant but did not returned the same and Md. Sadab @ Md. Alam in association with other accused persons have kidnapped Safi Ajam.

7. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that it appears from the F.I.R that the main allegation is against the co-accused, namely, Md. Sadab @ Md. Alam and there is no specific allegation of any assault or overt act against these petitioners and these petitioners are the family members of the co-accused, Md. Sadab @ Md. Alam. He further submits that there is Civil



Suit pending between the parties.

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.

9. Considering the aforesaid facts and circumstances that the petitioners have clean antecedent and there is no specific allegation against these petitioners, 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 Judicial Magistrate 1st Class, Benipatti, Madhubani in connection with Bisphi (O.P Patauna) P.S. Case No. 284 of 2021, 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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