

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20810 of 2024

Arising Out of PS. Case No.-41 Year-2020 Thana- BHELDI District- Saran

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1. SHAUKAT ALI S/O FARZAN ALI R/O VILLAGE- BHIMA BANDH, P.S- BHELDI, DISTT.- SARAN.
 2. AINUL MIYAN S/O LATE ISHRAIL MIYAN R/O VILLAGE- BHIMA BANDH, P.S- BHELDI, DISTT.- SARAN.
 3. JALALUDDIN @ BHALA S/O FARZAN ALI R/O VILLAGE- BHIMA BANDH, P.S- BHELDI, DISTT.- SARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Rajesh Kumar Singh, Advocate
For the Opposite Party/s : Mrs. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-04-2024 Heard Dr. Rajesh Kumar Singh, learned counsel for

the petitioners and Mrs. Sharda Kumari, learned APP for the

State.

2. The petitioners are apprehending their arrest in connection with Bheldi P.S. Case No. 41 of 2020, F.I.R. dated 14.02.2020 registered for the offences punishable under Sections 341, 147, 148, 149, 323, 324, 379, 384/34 of the Indian Penal Code and Section 27 of the Arms Act on the basis of a Complaint Case No. 171 of 2020.

3. Allegation against the petitioners is that they having armed with lathi, daab, farsa and country made pistol



reached to the informant's farm on 15.01.2020 at 5 O'clock in the evening and started assaulting him in which accused petitioner nos. 1 and 3 also assaulted him by lathi on account of which he received injury and accused petitioner no. 1 snatched Rs.10,000/- from his pocket. Accused petitioner no. 3 fired from country made pistol and threatened him.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in the present case. He further submits that from perusal of the F.I.R./Complaint petition it appears that the petitioner no. 2 is the order giver and petitioner nos. 1 and 3 have assaulted the informant and other members. He further submits that although they have received injury but the injury report of the injured persons suggest that the injury is simple in nature caused by hard and blunt substance.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners and submits that the petitioners are named in the F.I.R. and there is specific allegation that they have assaulted the informant and other members and apart from that the petitioners carry one more case other than the present one but fairly submits on the basis of paragraph-3 of the petition that the petitioners are on bail in the



pending matter.

6. Considering the facts and circumstances of the case, 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 Judicial Magistrate 1st Class, Saran at Chapra in connection with Bheldi P.S. Case No. 41 of 2020, 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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