

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33664 of 2024

Arising Out of PS. Case No.-631 Year-2022 Thana- JOKIHAT District- Araria

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MD. JAHID ALAM SON OF MD. HASAN VILLAGE - CHAKAI, P.S.
JOKIHAT, DISTRICT - ARARIA

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. MD. NAIYER ALAM SON OF MD. HASIM Resident of village-
CHAKAI, PS- JOKIHAT, DISTT- ARARIA
3. MD. RAHWAR ALAM @ MD. RAHBAR ALAM SON OF MD. HASIM
Resident of village- CHAKAI, PS- JOKIHAT, DISTT- ARARIA
4. MD. NASAR ALAM @ ABU NASAR SON OF MD. HASIM Resident of
village- CHAKAI, PS- JOKIHAT, DISTT- ARARIA
5. MD. NAWAZ ALAM @ ABU NAWAZ SON OF MD. HASIM Resident of
village- CHAKAI, PS- JOKIHAT, DISTT- ARARIA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vijay Kishore Bharti, Adv.
For the Opposite Party/s : Mr.Upendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 23-08-2024 1. The present petition has been filed for cancellation of the anticipatory bail granted to the opposite parties no.2 to 5 vide order dated 28.07.2023, passed by this Court in Cr. Misc. No.38168 of 2023, leading to them being released on furnishing bail bonds by the Ld. Chief Judicial Magistrate, Araria, in connection with Jokihat P.S. Case No.631 of 2022, registered for the offences punishable under Sections 147, 149, 341, 323, 307, 308, 392, 458, 459, 324, 386, 325, 120(B) of the Indian Penal Code, vide orders dated 02.09.2023 and 04.09.2023.



2. It is the submission of the learned counsel for the petitioner that this Court in its order dated 28.07.2023, has clearly stipulated that the opposite parties no.2 to 5 be admitted to the privilege of anticipatory bail, however, subject to verification of their criminal antecedent by the Ld. Trial Court, in view of doubtfulness regarding the disclosure made in paragraph no.3 of the bail petition filed by them, bearing Cr. Misc. No.38168 of 2023, wherein only the opposite party no.3 was shown to be an accused in Jokihat P.S. Case No.59 of 2002, whereas rest of the opposite parties no.2, 4 and 5 were stated to be having a clean antecedent. It is contended that the opposite parties no.2 to 5 are also accused in Jokihat P.S. Case No.92 of 2023, hence the Ld. Trial Court ought not to have granted the privilege of anticipatory bail to the opposite parties no.2 to 5.

3. From the records as also from the show cause reply submitted by the Ld. Chief Judicial Magistrate, Araria, vide letter dated 26.07.2024, it is apparent that the opposite parties no.2 to 5, in paragraph no.3 of the anticipatory bail petition filed by them, bearing Cr. Misc. No.38168 of 2023, had suppressed the factum of them being accused in Jokihat P.S. Case No.92 of 2023, hence admittedly, the Ld. Trial Court has erred in complying and executing the earlier order of this Court dated



28.07.2023 in its true letter and spirit.

4. Having regard to the facts and circumstances of the case, I deem it fit and proper to direct the Ld. Court of Chief Judicial Magistrate, Araria, in connection with Jokihat P.S. Case No.631 of 2022 to issue notice to the opposite parties no.2 to 5 on the aforesaid aspect of the matter, seek their explanation and pass appropriate orders, in accordance with law, as also in terms of the earlier order of this Court dated 28.07.2023, passed in Cr. Misc. No.38168 of 2023, within a period of four weeks of receipt/production of a copy of this order.

5. The present petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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