

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28562 of 2024

Arising Out of PS. Case No.-331 Year-2022 Thana- CHAUTHAM District- Khagaria

1. Aurangjeb Uddin @ Aurangjeb Alam Son of Esarail Uddin Resident of Village- Thuthi Mohanpur, P.S.- Chautham, District- Khagaria (Bihar)
2. Sanjar Alam @ Md. Sanjar Alam Son of Esarail Uddin Resident of Village- Thuthi Mohanpur, P.S.- Chautham, District- Khagaria (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 19-07-2024 Heard Mr. Shailendra Kumar Singh, learned counsel
for the petitioners as well as Mr. Ajay Kumar Jha, learned
Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Suppl. Chautham P.S. Case No. 331 of 2022, F.I.R. dated 09.12.2022 for the offences punishable under Sections 147, 148, 149, 341, 323, and 504 of the Indian Penal Code and Section 27 of the Arms Act.

3. According to prosecution case, the petitioner along with other accused persons armed with deadly weapon assaulted the informant and his nephew. It is further alleged that all the accused persons tried to kill the informant and his nephew and started indiscriminate firing upon them.

4. Learned counsel for the petitioners submits that



petitioners are innocent and they have falsely been 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 offences as alleged in the F.I.R. He further submits that from perusal of the F.I.R it appears that there is admitted land dispute between the parties and there is no specific allegation of any assault or overt act against these petitioners rather there is general and omnibus allegation against all the accused persons including these petitioners.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners and submits that the petitioners are named in the F.I.R and apart from that both the petitioners carries one criminal antecedent other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioners are on bail in the pending matter.

6. Considering the aforesaid facts and circumstances, 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 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, Khagaria in connection with Suppl. Chautham P.S. Case No. 331 of 2022, 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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