

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25823 of 2024

Arising Out of PS. Case No.-713 Year-2023 Thana- ISLAMPUR District- Nalanda

1. Ishfaq Alam @ Md. Ishfaq Alam
2. Mustafa Miyan @ Mustafa Alam @ Mima
3. Munna Miyan @ Md. Murtaza Hussain.
All are Sons Late Md. Nazim Uddin @ Nazamu Miyan.
All are Resident of Village Ata Saray, Islampur, Police station Islampur,
District Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Shanker Pankaj, Advocate
For the Opposite Party/s : Mr.Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-05-2024 Heard Mr.Ravi Shanker Pankaj, learned counsel
for the petitioners and Mr.Abhay Kumar Roy, learned
Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in
connection with Islampur P.S.Case No.713 of 2023, FIR
dated 21.12.2023 corresponding to G.R.No.4105 of 2023
registered for the offences punishable under Sections 147,
149, 341, 323, 324, 307, 379, 504, 506 of the Indian Penal
Code.

3. Allegation against the petitioners is that they
alongwith other co-accused persons having deadly weapons



in their hands came to the shop of the informant and gave blow upon him with their weapons. They had looted Rupees 18-20 thousand and they snatched his golden chain from his neck and two golden rings, goods from shop.

4. Learned counsel for the petitioners submits that petitioner Nos. 2 and 3 carry one more case other than the present one and petitioner No.1 has clean antecedent and they have falsely been implicated in the present case. Further submits that from a bare perusal of the FIR it appears that there is no specific allegation of any assault or overt-act is attributed against the petitioners rather there is general and omnibus allegation against all the accused persons including the petitioners.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts and there is no specific allegation of any assault or overt-act is attributed against the 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 (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Hilsa, Nalanda in connection with Islampur P.S. Case No.713 of 2023, corresponding to G.R.No.4105 of 2023, 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 bonds shall be cancelled by the Court below.

(II) If the petitioners tamper 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 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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