

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25126 of 2024

Arising Out of PS. Case No.-615 Year-2023 Thana- MUFFASIL District- West Champaran

1. Nek Mohammad Ansari @Nek Mohammad Mian@ Nek Mohammad Son Of Late Sattar Ansari @ Late Sattar Mian Village -Gurmaliya Shiwala Tola, P.S-. Manuapul O.P., District- West Champaran
2. Laddu Ansdari @ Ekram Hussain Son Of Safiullah Ansari Village -Gurmaliya Shiwala Tola, P.S-. Manuapul O.P., District- West Champaran
3. Arshad Ansari Son Of Md. Jan Ali @ Md. Jan Ansarai Village -Gurmaliya Shiwala Tola, P.S-. Manuapul O.P., District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Javed Aslam, Advocate
For the State	:	Mr. Ram Sumiran Rai, APP
For the Informant	:	Mr. Sharad Kumar Verma, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-05-2024 Heard Mr. Javed Aslam, learned counsel for the petitioners, Mr. Sharad Kumar Verma, learned counsel for the informant and Mr. Ram Sumiran Rai, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Bettiah Muffasil (Manuapul O.P.) P.S. Case No. 615 of 2023, F.I.R. dated 18.09.2023 for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 504 and 506 of the Indian Penal Code and later on Section 302 of the Indian Penal Code was added in this case.

3. According to prosecution case, the petitioners have



assaulted the informant and his father with *lathi, rod* and *farsa*.

4. Learned counsel for the petitioners submits that petitioner no.3 has clean antecedent and petitioner nos.1 & 2 have got one criminal antecedent other than the present one and they have falsely been implicated in the present case. He further submits that the allegation as alleged in the FIR is false and fabricated and petitioners have not committed any offence as alleged in the F.I.R. He further submits that there is no specific allegation of any assault and overt act against these petitioners rather there is general and omnibus allegations against all the accused persons including these petitioners.

5. Learned counsel for the informant as well as learned Additional Public Prosecutor for the State, on the other hand, have vehemently opposed the prayer for bail of the petitioners and submits that petitioners are named in the FIR and they have also participated in the present crime in question apart from that petitioner nos.1 & 2 carry one case other than the present one.

6. Considering the aforesaid facts, there is no specific allegation of any assault or overt act against these petitioners, 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 bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Bettiah Muffasil (Manuapul O.P.)P.S. Case No. 615 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 his absence on two consecutive dates without sufficient reason, his bail bond 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 antecedent, the court below shall take step for cancellation of bail bonds 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.

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(Rajesh Kumar Verma, J)

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