

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 25341 of 2024

Arising Out of PS. Case No.-163 Year-2023 Thana- AMAUR District- Purnia

1. Naiyar Son Of Late Jittan Village - Raseli Ps- Amour Dist- Purnea
 2. Jahangir Son Of Naiyar Village - Raseli Ps- Amour Dist- Purnea
- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate
For the State : Mr. Anant Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 04-07-2024 Heard Mr. Ram Prawesh Kumar, learned counsel for

the petitioners and Mr. Anant Kumar 1, learned A.P.P. for the

State.

2. The petitioners seek bail, who is in custody since 23.01.2024, in connection with Amour P.S. Case No. 163 of 2023, FIR dated 21.05.2023 registered for the offence under Sections 302 and 34 of the Indian Penal Code.

3. According to prosecution case, petitioners and others are said to have assaulted the mother of the informant. It is further alleged that the wife of the informant dashed the mother of the informant on *chaukat* toward chest and others also assaulted her with an intention to kill.

4. Learned counsel appearing for the petitioners submits that the petitioners, who are of clean antecedent, are innocent and have falsely been implicated in this case. He



further submits that the allegation as alleged is false and fabricated and the petitioners have not committed any offence as alleged in the FIR. He further submits that it appears from a bare perusal of the FIR that there is general and omnibus allegation against the petitioners rather specific allegation of assault or any overt act is attributed against co-accused person, namely, Shabana. He further submits that co-accused person, namely, Javed and Noor Saba have already been granted anticipatory bail by this Court vide order dated 16.04.2024 passed in Cr. Misc. No. 15672 of 2024. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioners. The petitioners are rotting in judicial custody since 23.01.2024.

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

6. Considering the facts and circumstances of the case and the fact that petitioners have clean antecedent, there is no specific allegation of any assault or overt act against the petitioners and similarly situated other co-accused persons have already been granted anticipatory bail by this Court, let the, above named, petitioners 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 learned Chief Judicial Magistrate, Purnea in connection with Amour P.S. Case No. 163 of 2023 with the 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 canceled 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.

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.

(Rajesh Kumar Verma, J)

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