

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26551 of 2024

Arising Out of PS. Case No.-499 Year-2023 Thana- PIRBAHOR District- Patna

1. Arman Ali Son Of Ali Emam Resident Of Hajipurva, P.S. - Tarwara, District - Siwan
2. Md. Zafar Imam Son Of Md. Ziaul Haque Resident Of Ward No.1, Bhagwanpur Saguna, P.S. - Rajnagar, District - Madhubani
3. Sohail Ahmad Son Of Jamiur Rahman Resident Of Tamout Chowk, Post - Barsoni, Dagarua, P.S. - Dagarua, Dagarua Hat, District - Purnia

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nand Sagar, Advocate

For the Opposite Party/s : Mr.Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-05-2024 Heard Mr.Nand Sagar, learned counsel for the petitioners and Mr.Ram Anurag Singh, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Pirbahore P.S.Case No.499 of 2023,FIR dated 13.07.2023 registered for the offences punishable under Sections 147,148,149,325,307,504 and 506 of the Indian Penal Code and 27 of the Arms Act.

3. Specific allegation against co-accused persons, namely, Mustaq Karim @ Rahil, Rahat @ Ghulam Nabi, Fahim @ Babar and Inzamamul Haque @ Kamran is that they



fired in which informant received bullet injury in right leg and his friend Siddharth Rajjak received bullet injury in his left leg and allegation against the petitioners and other co-accused persons is that they assaulted with lathi and danda.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case due to ulterior motive. Further submits that from a bare perusal of the FIR it appears that although the petitioners are named in the FIR but there is no specific allegation of any assault, overt-act or firing attributed against the petitioners rather there is specific allegation of firing is attributed against co-accused persons, namely, Mustaq Karim @ Rahil, Rahat @ Ghulam Nabi, Fahim @ Babar and Inzamamul Haque @ Kamran.

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, petitioners have clean antecedent and there is no specific allegation of any assault, overt-act or firing 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 Chief Judicial Magistrate, Patna in connection with Pirbahore P.S.Case No.499 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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