

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27125 of 2024

Arising Out of PS. Case No.-122 Year-2022 Thana- HASANGANJ District- Katihar

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1. MD. ABBAS S/O LATE SK. AZIZ R/O HASANGANJ, P.S- HASANGANJ, DIST.- KATIHAR.
 2. MD. FIROZ S/O LATE SK. AZIZ R/O HASANGANJ, P.S- HASANGANJ, DIST.- KATIHAR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-04-2024 Heard Mr. Sanjeev Kumar Singh, learned counsel for
the petitioner and Mr. Rajiv Nayan, learned APP for the State.

2. Petitioners seek bail, who are in custody since 10.01.2024, in connection with Hasanganj P.S. Case No. 122 of 2022, F.I.R. dated 06.10.2022 registered for the offences punishable under Sections 302, 120(B)/34 of the Indian Penal Code.

3. The prosecution case, in brief, is that on 06.10.2022 the informant's son had gone to attend the nature's call where accused persons including the petitioners tied him in Khajoor tree and brutally assaulted him by iron rod, later he died at Sadar hospital during treatment.



4. Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely implicated in the present case due to previous dispute between the parties and there is case and counter case between the parties. He further submits that from perusal of the F.I.R. it appears that there is no specific allegation of any assault or overt act against the petitioners rather there is general and omnibus allegation against all the accused persons including the petitioners. He further submits that co-accused person namely Hazra Khatoon against whom the similar allegation has been granted bail by this Court vide order dated 24.06.2023 passed in Cr. Misc. No. 9116 of 2023 and the police after investigation submitted chargesheet against the petitioners and the petitioners are in custody since 10.01.2024.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners.

6. Considering the facts and circumstances of the case, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar in



connection with Hasanganj P.S. Case No. 122 of 2022, subject to the following conditions :-

(1) 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.

(2) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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.

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(Rajesh Kumar Verma, J)

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