

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40245 of 2024

Arising Out of PS. Case No.-352 Year-2023 Thana- CHAUSA District- Madhepura

1. Md. Anwar S/O- Md. Isram @ Md. Islam, Resident Of Village- Kelabari, P.S.-Chausa, Dist.- Madhepura
2. Md Akbar S/O- Md. Isram @Md. Isalm Resident Of Village- Kelabari, P.S.-Chausa, Dist.- Madhepura
3. Noor Jaha Khatoon W/O - Md. Isram @ Md. Islam Resident Of Village- Kelabari, P.S.-Chausa, Dist.- Madhepura
4. Roshan Ara D/O - Md. Anwar Alam Resident Of Village- Kelabari, P.S.-Chausa, Dist.- Madhepura
5. Sajiya Begum D/O- Md. Amjad Resident Of Village- Kelabari, P.S.-Chausa, Dist.- Madhepura
6. Md. Kalim S/O- Md. Muslim Baitha Resident Of Village- Kelabari, P.S.-Chausa, Dist.- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Jha, Advocate
For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-07-2024 Heard Mr. Rakesh Kumar Jha, the learned counsel

for the petitioners and Mr. Jharkhandi Upadhyay, the learned

Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in

connection with Chausa PS Case No. 352 of 2023, FIR dated

21.12.2023, registered for the offences punishable under

Sections 341, 323, 324, 307, 379 and 504 read with Section 34

of the Indian Penal Code.



3. According to the prosecution case, the co-accused persons, variously armed abused the mother-in-law of the sister of the informant and one Mohammad Amjad assaulted one Mohammad Babar by means of iron-rod upon his head causing injury. It is further alleged that the co-accused persona also assaulted other family member of the informant and looted Rs. 31,000/- (Rupees thirty-one thousand) cash, fertilizer seeds and medicines.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that upon perusal of the FIR, it appears that the FIR is in two parts; in the first part, there is general and omnibus allegation against all the co-accused persons including the petitioner and in the second part, there is specific allegation of assault levelled against co-accused person namely, Amjad, who has assaulted Mr. Babar, however, Amjad is not the petitioner in the present bail petition.

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

6. Considering the aforesaid facts and circumstances and mainly the facts that petitioners have clean antecedent and



there is no specific allegation of any assault or over act attributed against them, let the petitioners, above-named, in the event of their arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Udakishunganj, Madhepura, where the case is pending in connection with **Chausa PS Case No. 352 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the learned trial Court.

(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 learned trial Court 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 learned trial Court 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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