

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38170 of 2024

Arising Out of PS. Case No.-52 Year-2024 Thana- JAGDISHPUR District- Bhagalpur

1. Md. Danish Sahbazi S/O Md. Tanvir R/O Village- Khiribandh,P.S.- Bypasss, T.O.P. (jagdishpur), DIST- Bhagalpur
2. Md. Eklakh @ Sahin S/O Md. Tanvir R/O Village- Khiribandh,P.S.- Bypasss, T.O.P. (Jagdishpur), DIST- Bhagalpur
3. Md. Ful @ Ekramul Haque S/O Md. Tanvir R/O Village- Khiribandh,P.S.- Bypasss, T.O.P. (Jagdishpur), DIST- Bhagalpur
4. Md. Tanvir S/O Md. Makkal @ Maqbool R/O Village- Khiribandh,P.S.- Bypasss, T.O.P. (Jagdishpur), DIST- Bhagalpur
5. Md. Anvir S/O Md. Makkal @ Maqbool R/O Village- Khiribandh,P.S.- Bypasss, T.O.P. (Jagdishpur), DIST- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Purushottam Kumar Das, Advocate
For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 26-06-2024 Heard Mr. Purushottam Kumar Das, learned counsel

for the petitioners and Mr. Mithlesh Kumar Khare, learned APP

for the State.

2. The petitioners are apprehending their arrest in connection with Jagdishpur (Bypass) P.S. Case No. 52 of 2024, F.I.R. dated 12.02.2024 registered for the offences punishable under Sections 341, 323, 307, 379 read with 34 of the Indian Penal Code.

3. Allegation against the petitioners is that they along with other co-accused persons came and started assaulting the



informant and his brother as result of which their head got fractured and blood oozing out and fell down on the earth.

4. Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offence as alleged in the F.I.R. He further submits that there is case and counter case between the parties and although the informant's side have received injury but the injury report of the informant's side suggests that the injury is simple in nature caused by hard and blunt substance.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts that the petitioners having clean antecedents and the injury report of the injured persons suggests that the injuries are simple in nature, 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/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Jagdishpur (Bypass) P.S. Case No. 52 of 2024, subject to the



conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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.

(Rajesh Kumar Verma, J)

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