

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39406 of 2020

Arising Out of PS. Case No.-31 Year-2020 Thana- PAHARKATTA District- Kishanganj

1. AMIRUDDIN @ MD AMIRUDDIN Son of Md Dukha
2. Imamuddin @ Md Imamuddin Son of Md Dukha
3. Abul @ Abul Kalam Son of Amiruddin @ Amiruddin
4. Muzaffar @ Mujaffar Rahman Son of Amiruddin @ Md Amiruddin All Resident of Village- Dehalbari Paschim Tola, P.S.- Paharkatta, District- Kishanganj.
5. Tausif @ Toufique Son of Aslam @ Aslam Alam Resident of Village- Dehalbari Purab Tola, P.S.- Paharkatta, District- Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar, Advocate

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

7 02-08-2024 Heard Mr.Ram Prawesh Kumar, learned counsel for the petitioners (except petitioner No.4), learned counsel for the informant and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Paharkatta P.S.Case No.31 of 2020, FIR dated 09.05.2020 registered for the offences punishable under Sections 147, 148, 341, 323, 325, 307, 337, 354, 379, 504, 506 of the Indian Penal Code.

3. The prosecution case, in short, is that the informant



has given a typed application to the officer in charge Police Station Paharkatta and stating therein that on the date and time of the occurrence the informant along with his family were on their house in the meantime the accused persons named in the FIR came the house of the informant with weapon and started abusing then the informant forbade such abuses then all the accused persons with Rod and Saria attacked on the informant and due to which the son of the informant injured and also assaulted the family members of the informant and also looted the house of the informant and the accused persons are also tried to assaulted earlier.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. Further submits that from a bare bare perusal of the FIR it appears that there is no specific allegation of any assault or overt-act attributed against the petitioners rather there is general and omnibus allegation against all the accused persons including the petitioners. Although the informant's side have received injury but there is no specific allegation of any assault or overt-act attributed against any of the petitioners.

5. Learned counsel for the informant and learned



A.P.P. for the State, on the other hand, have vehemently opposed the prayer for anticipatory bail of the petitioners and submits that the informant's side have received injury and the injury received by the informant's side is grievous in nature.

6. Considering the aforesaid facts, petitioners have clean antecedent and there is no specific allegation of any assault or overt-act against them, let the petitioners, above named, (except petitioner No.4) 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, Kishanganj in connection with Paharkatta P.S. Case No.31 of 2020, 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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