

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46859 of 2024

Arising Out of PS. Case No.-130 Year-2023 Thana- ABADPUR District- Katihar

1. Motai @ Suleman S/O Late Makmat, R/O Village- Nalsar, P.S.- Abadpur, Distt- Katihar.
2. Ashraf @ Aasraf S/O Saabir @ Saavir, R/O Village- Nalsar, P.S.- Abadpur, Distt- Katihar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Md. Helal Ahmad, Advocate
For the Opposite Party : Mr. Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-07-2024 Heard Mr. Md. Helal Ahmad, the learned counsel

for the petitioners and Mr. Vinod Shanker Modi, the learned

Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in

connection with Abadpur PS Case No. 130 of 2023, FIR dated

18.08.2023, 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, while the

informant was inquiring from one Sajekul as to why he returned

from Punjab, the accused persons assaulted the informant's sons

with sharp weapons and also took away mobile and Rs. 20,000/-



(Rupees twenty thousand).

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case and the allegation levelled in the FIR is false and fabricated and the petitioners have not committed any offence as alleged in the FIR. He further submits that upon 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. He lastly submits that similarly situated co-accused persons namely, Sajekul @ Sajedul, Alam and Samsul @ Samsul Haque have been granted the privilege of anticipatory bail by this Court vide order dated 18.01.2024, passed in Cr. Misc. No. 84632 of 2023.

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, there is no specific allegation of any assault or overt act attributed against them and other similarly situated co-accused persons have been granted the privilege of anticipatory bail, 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 Judicial Magistrate-I, Katihar, where the case is pending in connection with **Abadpur PS Case No. 130 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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