

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51338 of 2024

Arising Out of PS. Case No.-270 Year-2023 Thana- JOGBANI District- Araria

1. Md. Saijum Son of Md. Isham R/O Vill.- Fena Belahi, Ward no. 11, P.S.- Jogbani, Bathnaha, Dist.- Araria
2. Md. Abdul Son of Late Mushlim R/O Vill.- Fena Belahi, Ward no. 11, P.S.- Jogbani, Bathnaha, Dist.- Araria
3. Md. Ishhak Son of Late Md. Khalil R/O Vill.- Fena Belahi, Ward no. 11, P.S.- Jogbani, Bathnaha, Dist.- Araria
4. Md. Rijwan @ Rijwan Son of Md. Abul R/O Vill.- Fena Belahi, Ward no. 11, P.S.- Jogbani, Bathnaha, Dist.- Araria
5. Md. Kalam Son of Md. Abul R/O Vill.- Fena Belahi, Ward no. 11, P.S.- Jogbani, Bathnaha, Dist.- Araria
6. Samina Khatun Wife of Md. Azad R/O Vill.- Fena Belahi, Ward no. 11, P.S.- Jogbani, Bathnaha, Dist.- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kishore Bharti, Advocate
For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-09-2024 Heard Mr. Vijay Kishore Bharti, learned counsel for the petitioners and mr. Gauri Shankar Gupta, learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Jogbani (Bathnaha) P.S. Case No. 270 of 2023, F.I.R. dated 02.11.2023 registered for the offences punishable under Sections 147, 148, 149, 341, 384, 467, 468, 469, 504, 506, 120(B) of the Indian Penal Code.



3. According to the prosecution case, when the nephew of the informant ploughing the ancestral land then 22 named accused persons and 40-50 unknown persons came there with various arms and started abusing and they have prohibited his nephew Naushad from ploughing the field and told that plot no. 842 mutated in favour of his three brothers namely, Md. Jalil, Md. Shalil and Md. Kihalil vide Muatation No. 614. The informant alleged that md. Mustaq demanded ransom of Rs. 50,000/- and in connivance with the Circle Officer the manipulation has been made in the Zamabandi register.

4. Learned counsel for the petitioners submits that the petitioners are innocent 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. In fact, one Title Suit No. 493 of 2022 is going on between the parties and the petitioners' side have filed the aforesaid case against the informant and other family members. He further submits that other co-accused persons namely Salil @ Md. Salil @ Md. Jalil and others (except Mustak Dhuniya who has withdrawn his bail application) have been granted the privilege of anticipatory bail by this Court vide order dated 12.07.2024 passed in Cr. Misc.



No. 28485 of 2024, another co-accused persons namely Deepak Swarnkar and Panchdeo Kumar have been granted the privilege of anticipatory bail by this Court vide order dated 18.04.2024 passed in Cr. Misc. No. 21491 of 2024 respectively.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners but fairly submits on the basis of paragraph-3 of the bail petition that the petitioner nos. 1 and 4 carry two more cases other than the present one in which petitioner no. 1 is on bail in Jogbani (Bathnaha) P.S. Case No. 58 of 2015, petitioner no. 4 is on bail in Narpatganj P.S. Case No. 233 of 2021, petitioner nos. 2, 3 and 5 carries one more case other than the present one, petitioner no. 6 has clean antecedent.

6. Considering the facts and circumstances of the case, 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, Araria in connection with Jogbani (Bathnaha) P.S. Case No. 270 of 2023, 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)

Ibrar//-

U		T	
---	--	---	--

