

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49990 of 2024

Arising Out of PS. Case No.-215 Year-2023 Thana- KALYANPUR District- East Champaran

1. Shamsul Hoda S/o Late Hamid Ansari R/o vill - Kalyanpur, P.s. - Kalyanpur, Distt. - East Champaran
2. Shairuddin Ansari @ Shairul Mian S/o Late Rahmataali Mian R/o vill - Kalyanpur, P.s. - Kalyanpur, Distt. - East Champaran
3. Najmul Hoda S/o Tahir Hussain R/o vill - Kalyanpur, P.s. - Kalyanpur, Distt. - East Champaran
4. Ziyal Hoda @ Zeyaul Hoda S/o Tahir Hussain R/o vill - Kalyanpur, P.s. - Kalyanpur, Distt. - East Champaran
5. Ansar Ansari @ Ansar Ahmad S/o Late Sabbir Mian R/o vill - Kalyanpur, P.s. - Kalyanpur, Distt. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dhurendra Kumar, Advocate
	:	Mr. Sumit Kumar, Advocate
For the Opposite Party/s	:	Mr. Binod Kumar, APP
For the Informant	:	Mr. Sanjay Kumar Tiwari, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-08-2024 Heard Mr. Dhurendra Kumar, learned counsel for the petitioners, Mr. Sanjay Kumar Tiwari, learned counsel for the Informant as well as Mr. Binod Kumar, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Kalyanpur P.S. Case No. 215 of 2023, F.I.R. dated 19.06.2023 for the offences punishable under Sections 341, 323, 324, 379, 504, 506, 307/34 of the Indian Penal Code.

3. According to prosecution case, the petitioners along



with other co-accused persons assaulted the informant and his friend due to which they got injured and took away Rs. 20,000/- from the pocket of the informant's friend.

4. Learned counsel for the petitioners submits that petitioner Nos. 2 to 5 have clean antecedent and petitioner no. 1 carries two criminal antecedents other than the present one and they have falsely been implicated in the present case only on the ground that they are family members of the co-accused person namely, Narul Hoda. He further submits that from perusal of the F.I.R it appears that there is no specific allegation of any assault or overt act against these petitioners but the allegation against the co-accused person namely, Narul Hoda is that he has assaulted the informant with the iron rod. He further submits that the co-accused person, Narul Hoda has been granted anticipatory bail by this Court vide order dated 17.02.2024 passed in Cr. Misc. No. 7025 of 2024 by this Court.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners and submits that the petitioners are named in the F.I.R and apart from that petitioner no. 1 carries two criminal antecedents other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that he is on bail in the pending matters.



6. Considering the aforesaid facts and circumstances that there is no specific allegation of any assault or overt act against these petitioners and the co-accused person namely Narul Hoda against whom there is allegation of assault, has been granted anticipatory bail by this Court, let the petitioners, above named, in the event of 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 the learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Kalyanpur P.S. Case No. 215 of 2023, 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 bond shall be cancelled by the Court below.

ii. If the petitioners tampers 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 antecedent, 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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