

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53748 of 2024

Arising Out of PS. Case No.-654 Year-2022 Thana- LAHERIYASARAI District- Darbhanga

1. MD. ISRAR SON OF LATE MD. IBRAR VILLAGE- SIRNIA, PS-ASHOK PAPER MILL, DIST- DARBHANGA
2. MD. SARFARAZ SON OF LATE MD. IBRAR VILLAGE- SIRNIA, PS-ASHOK PAPER MILL, DIST- DARBHANGA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinay Kumar Mishra, Advocate

For the Opposite Party/s : Mr.Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 20-09-2024 Heard Mr. Vinay Kumar Mishra, the learned counsel
for the petitioners, Ms. Anita Kumari, the learned Additional
Public Prosecutor for the State and learned counsel for the
informant.

2. Petitioners seek regular bail who is in custody
since 17.01.2024, in connection with Lareriasarai P.S. Case No.
654 of 2022, FIR dated 28.11.2022, registered for the offences
punishable under Sections 364 and 34 of the Indian Penal Code.

3. The prosecution case, in short, is that the
informant married with Md. Imteyaz and from very first day
husband of informant was demanding rupees from her mother,
not fulfill his demand assaulted to the informant. Further, on



17.07.2022 informant along with children were ousted by her husband, thereafter informant was living with her mother and children on rented house. On 06.08.2022, one Ashir Sheikh came from Maharastra who is so called friend of her husband for mediation. On 10.08.2022, informant along with her mother went to Maharastra, but her husband came Bihar thereafter, she returned back. On 12.08.2022, husband of informant and other 4-5 persons reached her rented house and assaulted to the informant and forcibly Ashir Shekh has taken on the Scorpio and, thereafter, Ashrafi Khatoon and Md. Tazanddin came and taken to the informant of Sarfarez house. Further, her husband came and on 17.08.2022 taken to Maika and threatened to informant that this event not disclosed any one and thereafter pressed her neck by her cloth and thrown on the roof by which received injury and taken to D.M.C.H where confessed before police of Ashok Paper Mill. Accordingly, the FIR.

4. Earlier prayer for bail of the petitioners was rejected vide order date 17.10.2023 passed in Cr. Misc. No. 40967 of 2023.

5. Learned counsel for the petitioners submits that the petitioners have falsely been implicated in the present case. The allegation as alleged also fabricated and the petitioners



have not committed any offence as alleged in the FIR. It is further submitted that name of the petitioners has been transpired on the basis of the confessional statement of co-accused Md. Imteyaz who is happened to be the husband of the informant and except the aforesaid, no other cogent material has come during the investigation against the petitioners. It is further submitted that co-accused, namely, Md. Faiyaz @ Faiyaz Alam has been granted bail by a co-ordinate Bench of this Hon'ble Court vide order dated 03.07.2023 passed in Cr. Misc. No. 37406 of 2023 and co-accused, Md. Imteyaz, who has also disclosed the name of the petitioners, has been granted bail by a co-ordinate Bench of this Hon'ble Court vide order dated 01.03.2024 passed in Cr. Misc. No. 51004 of 2023. It is further submitted that police after investigation submitted charge sheet against the petitioners and the petitioners are in custody since 17.01.2024.

6. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioners and submits that sufficient material has come during the course of investigation suggesting the involvement of the petitioners in the aforesaid offence and apart from that petitioners are accused in one other case.



7. Considering the facts and circumstances of the case, let the petitioners, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-XI, Darbhanga in connection with Laheriasarai P.S. Case No. 654 of 2022, subject to 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 his absence on two consecutive dates without sufficient reason, his 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 petitioner 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 petitioner. 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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