

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53879 of 2024

Arising Out of PS. Case No.-185 Year-2024 Thana- GAUTAMBUDHNAGAR District-
Siwan

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1. Babujaan Miya @ Babu Shah S/O Juban Miya R/O Village- Nautan Karbala,
P.S- G.B. Nagar, Tarwara, Distt.- Siwan.
 2. Janaab Shah @ Janab Miya S/O Juban Miya R/O Village- Nautan Karbala,
P.S- G.B. Nagar, Tarwara, Distt.- Siwan.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raghav Prasad

For the Opposite Party/s : Mr.Zainul Abedin

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 29-08-2024 1. Heard learned counsel for the petitioners and
learned APP for the State.
2. The petitioners seek bail in anticipation of their
arrest in a case registered for the offences punishable under
Sections 341, 323, 324, 307, 379, 504, 506 and 34 of the Indian
Penal Code.
3. The learned counsel for the petitioners submits that
the petitioners are persons with clean antecedent and the
informant alleges that petitioners came and took his son Vishal
for drinking cold drink along with 4-5 unknown accused
persons. Further, after having cold drink, when his son took out
money for paying the shopkeeper, when Babujaan tried to



snatch his money. On protest, Babujaan assaulted by knife on neck of his son while Janab assaulted by knife on his back and snatched Rs.12,000/- along with the chain.

4. The learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case. It is next submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that it does not inspire confidence for the reason that no motive has been alleged for the occurrence. It is next submitted that it does not appear probable that petitioners in the market would have assaulted the injured by knife in presence of the shopkeepers and thus, would have created evidence against themselves. It is also submitted that though it has been alleged that the injured was assaulted by the petitioners by knife, but then, from perusal of the injury report (Annexure-2 to the anticipatory bail application), it would manifest that the same records that three injuries suffered by the injured were caused by hard and blunt substance. It is also submitted that injured was a drunkered and he fell from the motorcycle when an altercation had taken place with the petitioners and accordingly, the present false case came to be implicated. It is also submitted that petitioners will not abscond rather will cooperate in the investigation.



5. Learned A.P.P. opposes the anticipatory bail application.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-IV, Siwan in connection with G.B. Nagar P. S. Case No.185 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. However, it is made clear that in the event, if any application is filed by the Investigating Officer before the learned trial Court bringing to its notice that petitioners, despite giving assurance to this Court, are not cooperating in the investigation or are not presenting themselves as and when required, the learned trial Court shall be at liberty to cancel the bail bonds of the petitioners after recording reasons.

(Satyavrat Verma, J)

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