

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60849 of 2024

Arising Out of PS. Case No.-1152 Year-2023 Thana- ARARIA District- Araria

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1. Amjad Ali @ Gabbar Son of Badiuzzaman @ Baddo R/O Vill.- Kharhiya Basti, Ward no. 11, P.S. and Dist.- Araria.
 2. Badiuzzaman @ Baddo Son of Late Muslim R/O Vill.- Kharhiya Basti, Ward no. 11, P.S. and Dist.- Araria.
 3. Rustam @ Md Rustam Son of Late Samidur Rahman R/O Vill.- Kharhiya Basti, Ward no. 11, P.S. and Dist.- Araria.

... .. Petitioner/s

Versus

The State Of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K Agrawal, Sr. Advocate
	:	Mr. Nadimul Hasan, Advocate
	:	Ms. Diksha Kumari, Advocate
	:	Mr. Kumar Rajdeep, Advocate
For the Opposite Party/s :	:	Mr. Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 27-09-2024 Heard Mr. N. K. Agrawal, learned senior counsel

for the petitioners and Mr. Dinesh Singh, learned Additional

Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Araria P.S. Case No. 1152 of 2023, F.I.R. dated 03.12.2023 for the offences punishable under Sections 302 & 34 of the Indian Penal Code.

3. According to prosecution case, petitioners along with other co-accused persons have killed the brother-in-law of the informant by tightening his neck.



4. Learned senior counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that from a bare perusal of the FIR it appears that due to some petty reason the present occurrence has taken place. He further submits that the allegation as alleged in the FIR is false and fabricated and the petitioners have not committed any offence as alleged in the FIR. He further submits that informant is not the eye witness of the alleged occurrence and even no one has seen the present occurrence. He further submits that the police after investigation has submitted final form against the co-accused person, namely, Arshad Alam & others and not sent up for trial to the petitioners but the learned Court below in a mechanical manner took cognizance vide order dated 23.04.2024 against the petitioners and other co-accused persons.

5. 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, the petitioners having clean antecedent and the police after investigation not sent up for trial to the petitioners and learned Court below has taken cognizance against the petitioners in the mechanical



manner, 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 bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria in connection with Araria P.S. Case No. 1152 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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 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 bonds 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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