

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62974 of 2023

Arising Out of PS. Case No.-138 Year-2023 Thana- BAKHARI District- Begusarai

1. Aman Shah @ Md. Shams Aman @ Aman Sah Son Of Shams Tabrej @ Md. Shams Tabrej @ Md. Shams Tabrej Ahmad @ Md. Tabrej Sah Resident Of Village - Bakhari Nagar Parishad, Ward No. 02, Habib Rampur (PATHAN Toli), Ps- Bakhari, Distt- Begusarai
2. Chunna Sah @ Md. Shams Inam @ Md. Inam Khan Chunna Son Of Shams Tabrej @ Md. Shams Tabrej @ Md. Shams Tabrej Ahamad @ Md. Tabrej Sah Resident Of Village - Bakhari Nagar Parishad, Ward No. 02, Habib Rampur (PATHAN Toli), Ps- Bakhari, Distt- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate
For the Opposite Party/s : Mr. Anant Kumar I, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 27-02-2024 Heard Mr. Sandip Kumar Gautam, learned counsel
for the petitioners and Mr. Anand Kumar-I, learned Additional
Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Bakhri P.S. Case No. 138 of 2023, F.I.R. dated 30.05.2023 for the offences punishable under Sections 341, 323, 354(B), 500, 504, 506 and 34 of the Indian Penal Code.

3. According to prosecution case, all the accused persons including the petitioners are said to have tried to outrage the modesty of the sister of the informant. When the informant opposed they brutally assaulted him.



4. Learned counsel for the petitioners submits that petitioners are innocent and they have falsely been implicated in the present case. He further submits that the allegations 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 due to political rivalry the present occurrence has taken place and the allegation as alleged in the FIR is not supported by the medical evidence.

5. The learned Additional Public Prosecutor, on the other hand, has vehemently opposed the prayer for bail of the petitioners and submits that the statement of the victim was recorded under Section 164 Cr.P.C. in which she has fully supported the case of the prosecution apart from that the petitioner no.1 carries two more cases other than the present one and petitioner no.2 carries five more cases other than the present one but fairly submits that petitioner no.1 is on bail in pending case and petitioner no.2 is on bail in four cases out of five cases.

6. Considering the aforesaid facts and circumstances and the fact that medical evidence does not support the allegation as alleged in the FIR, 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, Begusarai in connection with Bakhri P.S. Case No. 138 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)

ajay/-

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

