

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61216 of 2024

Arising Out of PS. Case No.-123 Year-2022 Thana- MADHUBAN District- East Champaran

Sabir Ali @ Mohammad Sabir @ Sabir Alam S/o Late Jamdar Miya, R/o vill -
Sirauli, P.S. - Madhuban, Distt. - East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Binay Kumar, Advocate

For the Opposite Party : Mr. Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-08-2024 Heard Mr. Binay Kumar, the learned counsel for
the petitioner and Mr. Vinod Shanker Modi, the learned
Additional Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since
11.07.2024, in connection with Madhuban P.S. Case No. 123 of
2022, FIR dated 26.03.2022, registered for the offences
punishable under Sections 341, 323, 436, 379, 504 and 506 read
with Section 34 of the Indian Penal Code.

3. Earlier the petitioner has moved before this
Hon'ble Court for grant of anticipatory bail in Cr. Misc. No.
45388 of 2022, which was granted vide order dated 22.11.2022
with a condition that the learned trial Court shall verify the
criminal antecedent(s) of the petitioner and after verification, it
was found that petitioner carries three criminal antecedents
other than the present, however, in the anticipatory bail petition



only one criminal antecedent was mentioned. Accordingly, the bail bond of petitioner was not accepted by the learned trial Court. Thereafter, the petitioner surrendered on 11.07.2024.

4. According to the prosecution case, the co-accused persons, variously armed, entered into the house of the informant and started throwing stuffs outside, asserting that the said house belongs to them. It is further alleged that when the informant opposed to this, the co-accused persons assaulted him and his family members. It is further alleged that co-accused persons snatched the chain of informant's wife worth Rs. 15,000/- (Rupees fifteen thousand), took Rs. 30,000/- (Rupees thirty thousand) cash and damaged household property worth Rs. 80,000/- (Rupees eighty thousand) by firing.

5. Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case and from perusal of the FIR, it appears that there is no specific allegation of any assault or overt act attributed against the petitioner, rather there is general and omnibus allegation against all the accused persons including the petitioner and due to admitted land dispute the present occurrence has taken place.

6. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for



bail of the petitioner on the ground that petitioner carries three criminal antecedent other than the present one, however, on the basis of paragraph no. 3 of the bail petition, he fairly admits that petitioner is on bail in the pending matters.

7. Considering the aforesaid facts and circumstances and mainly the facts that earlier the petitioner has been granted the privilege of anticipatory bail, there is no specific allegation of any assault or overt act attributed against the petitioner and petitioner is in custody since 11.07.2024, let the petitioner, 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 Judicial Magistrate 1st Class, Motihari, East Champaran, in connection with **Madhuban P.S. Case No. 123 of 2022**, subject to the following conditions:

(i). Petitioner 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 petitioner 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 learned trial Court shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his 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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