

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71072 of 2023

Arising Out of PS. Case No.-182 Year-2023 Thana- SINDHIYA District- Samastipur

1. Md. Jabbar Son Of Md. Shekh Mofil Resident Of Village Lilhaul Ps Singhia, Dist- Samastipur
2. Md. Ajaj Son Of Md. Jabbar Resident Of Village Lilhaul Ps Singhia, Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar No1, Advocate
For the Opposite Party/s : Mr. Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 05-03-2024 Heard Mr. Mukesh Kumar No. 1, learned counsel
for the petitioners and Mr. Satyendra Prasad, learned APP for
the State.

2. The petitioners are apprehending their arrest
connection with Singhiya P.S. Case No. 182 of 2023, F.I.R.
dated 12.07.2023 registered for the offences punishable under
Sections 341, 323, 354, 307, 337/34 of the Indian Penal Code.

3. Allegation against the petitioners is that they along
other co-accused persons assaulted the son of the informant as
well as his daughter-in-law of the informant with iron rod, lathi,
stone causing injury.



4. Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely implicated in the present case and there is case and counter case between the parties. He further submits that as per allegation in the F.I.R. the petitioner no. 1 has assaulted the son of the informant and petitioner no. 2 has assaulted the son of the informant as well as daughter-in-law of the informant and although they have received injuries but the injury report of the injured persons suggests that the injury caused by hard and blunt substance and nature of injury has not mentioned in the injury report but it is mentioned in the injury report that opinion is reserved till the report from DMCH. Learned counsel for the petitioner further submits that till date no such report has been submitted by the DMCH with respect to the injury report of the injured persons.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the case that the petitioners having clean antecedents and there is case and counter case between the parties, let the petitioners, above named, in the event of their 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 bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Rosera in connection with Singhiya P.S. Case No. 182 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, the court below shall take step for cancellation of bail bond 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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