

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67358 of 2024

Arising Out of PS. Case No.-83 Year-2024 Thana- BAHADURGANJ District- Kishanganj

1. Sakil Ahmad @ Shakil Ahamad S/o- Late Sarfuddin Resident of Village - Aambari, PS- Bahadurganj, Dist- Kishanganj
2. Sohrab Alam Son of Late Sarfuddin Resident of Village - Aambari, PS- Bahadurganj, Dist- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kumar, Advocate

For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-10-2024 Heard Mr. Raj Kumar, learned counsel for the petitioners and Mr. Surendra Prasad Singh, learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Bahadurganj P.S. Case No. 83 of 2024, F.I.R. dated 24.03.2024 registered for the offences punishable under Sections 341, 323, 326, 307/34 of the Indian Penal Code.

3. Allegation against the petitioners is that they have assaulted the father of the informant with sharp edged weapon due to which he sustained injury.

4. Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely



implicated in the present case. He further submits that although the petitioners are named in the F.I.R. but from perusal of the F.I.R. it appears that there is no specific allegation of any assault or overt act attributed against these petitioners rather there is general and omnibus allegation against the accused persons including the petitioners.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners and submits that petitioners are named in the F.I.R. and apart from that with common intention they have assaulted the father of the informant.

6. Considering the facts and circumstances of the case and the fact that the petitioners having clean antecedents and there is no specific allegation of any assault or overt act attributed against these petitioners, 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 Chief Judicial Magistrate, Kishanganj in connection with Bahadurganj P.S. Case No. 83 of 2024, 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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