

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67334 of 2024

Arising Out of PS. Case No.-132 Year-2024 Thana- SINGHWARA District- Darbhanga

1. Md. Shamim @ Shameem S/o Late Maksood @ Late Madsood Shekh R/o Village- Bharwara, P.O.- Bharwara, P.S.- Singhwara, District- Darbhanga
2. Md. Sagir Son of Late Maksoor @ Late Madsood Shekh R/o Village- Bharwara, P.O.- Bharwara, P.S.- Singhwara, District- Darbhanga
3. Md. Hamidullah @ Mohammad Hamidullah Son of Md. Sagir Mohammad Sagir R/o Village- Bharwara, P.O.- Bharwara, P.S.- Singhwara, District- Darbhanga
4. Md. Tausif @ Md. Tauseef Anwar Son of Md. Jafir @ Md. Zafeer Ahmad R/o Village- Bharwara, P.O.- Bharwara, P.S.- Singhwara, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Jagjit Roshan, Advocate
	:	Mr. Anjani Kumar, Advocate
For the Opposite Party/s	:	Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-10-2024 Heard Mr. Jagjit Roshan, learned counsel for the petitioners and Mr. Navin Kumar Pandey, learned APP for the State.

2. After some arguments, learned counsel for the petitioners seek permission to withdraw this application with regard to petitioner no.3, namely, Md. Hamidullah @ Mohammad Hamidullah with liberty to surrender before the learned Court below within a period of six weeks from today and to seek regular bail.



3. Permission is accorded.

4. The application is dismissed as withdrawn as not pressed with the liberty that the petitioner no.3 surrenders and seeks regular bail before the learned Court below, the same shall be considered on the same day on its own merit in accordance with law and without being prejudiced by any observation in the present order.

5. The petitioners (except petitioner no.3) are apprehending their arrest in connection with Singhwara P.S. Case No. 132 of 2024/G.R. No. 1813 of 2024, F.I.R. dated 02.06.2024 for the offences punishable under Sections 147, 149, 341, 323, 324, 307, 379 and 504 of the Indian Penal Code.

6. According to prosecution case, the petitioner are said to have assaulted the informant and his family members due to which they received injuries.

7. Learned counsel for the petitioners (except petitioner no.3) submits that petitioners are innocent and they have falsely been implicated in the present case. 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 although petitioners are named in the FIR and there is specific allegation against



them that they have assaulted to the informant and his family members but from a bare perusal of the injury report it appears that all the injuries are found simple in nature caused by hard and blunt substance. He further submits that there is case and counter case between the parties.

8. Learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioners and submits that petitioner nos.1 & 2 carry one more case other than the present one but fairly submits on the basis of the paragraph no.3 of the bail petition that the petitioners are on bail in the pending matter and petitioner no.4 carries no criminal antecedent other than the present one.

9. Considering the aforesaid facts and circumstances, let the petitioners (except petitioner no.3), 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, Darbhanga in connection with Singhwara P.S. Case No. 132 of 2024, 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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