

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71575 of 2023

Arising Out of PS. Case No.-225 Year-2023 Thana- SANGRAMPUR District- East
Champaran

-
1. JUMAN ANSARI Son of Late Alamdin Miya R/o vill- Birta Mathiya, ward no. 2, P.S. - Sangrampur, Distt. - East Champaran
 2. Ruksan Khatoon Wife of Juman Ansari R/o vill - Birta Mathiya, ward no. 2, P.S. - Sangrampur, Distt. - East Champaran
 3. Azad Miya @ Azad Alam Son of Sahabuddin Miya R/o vill - Birta Mathiya, ward no. 2, P.S. - Sangrampur, Distt. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Prateek Tandon, Advocate
For the State	:	Mr. Awadhesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 07-03-2024 Heard Mr. Prateek Tandon, learned counsel for the

petitioners and Mr. Awadhesh Kumar Singh, learned Additional

Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Sangrampur P.S. Case No. 225 of 2023, F.I.R. dated 19.09.2023 for the offences punishable under Sections 341, 342, 323, 307, 308, 302, 379, 504 and 34 of the Indian Penal Code.

3. According to prosecution case, petitioners along with other co-accused persons are said to have assaulted the informant and his family members.

4. Learned counsel for the petitioners submits that



petitioners have clean antecedent 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 petitioner has not committed any offence as alleged in the FIR. He further submits that from a bare perusal of the FIR it appears that there is no specific allegation of any assault or overt act rather general and omnibus allegation attributed against all the accused persons including the petitioners. He further submits that from a bare perusal of the FIR it appears that the present FIR was instituted after the postmortem of the deceased, the postmortem was conducted on 22.06.2023 at about 10:00 A.M. but the present FIR instituted on 22.06.2023 at about 8:00 P.M. afterthought to falsely implicate the petitioners.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances, 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, East Champaran at Motihari



in connection with Sangrampur P.S. Case No. 225 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	
---	--	---	--

