

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74320 of 2023

Arising Out of PS. Case No.-124 Year-2023 Thana- PAHARKATTA District- Kishanganj

1. Md. Sagar @ Sagar son of Md. Jahangir resident of Village- Ruhi Tola Basti Paharkatta Ps- Paharkatta Dist- Kishanganj
2. Ishar @ Ijhar son of Md. Jahangir resident of Village- Ruhi Tola Basti Paharkatta Ps- Paharkatta Dist- Kishanganj
3. Rojib son of Pajiruddin resident of Village- Ruhi Tola Basti Paharkatta P.S- Paharkatta Dist- Kishanganj
4. Nagar @ Md. Nagar son of Md. Jahangir resident of Village- Ruhi Tola Basti Paharkatta P.S- Paharkatta Dist- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur Ms. Vaishnavi Singh, Advocates
For the Informant	:	Mr. Rajeev Ranjan, Advocate
For the State	:	Mr. Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-02-2024 Heard Mr. Ajay Kumar Thakur, learned counsel for the petitioners, Mr. Rajeev Ranjan, learned counsel appearing on behalf of the Informant and Mr. Pawan Kumar Chaurasia, learned APP for the State.

2. The petitioners are apprehending their arrest connection with Paharkatta P.S. Case No. 124 of 2023, F.I.R. dated 26.08.2023 registered for the offences punishable under Sections 341, 323, 324, 325, 307, 504/34 of the Indian Penal Code.

3. According to the prosecution case, eleven named



accused persons along with 15-20 persons allegedly assaulted the informant and his brother Jahiruddin and his nephew Babul with latthi, rod, sword etc and they were also carrying pistol. It is further alleged that accused Sagar was holding pistol in his hand and he resorted firing to 4-5 rounds and the accused persons left after thinking his brother to be dead.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in the present case. He further submits that from perusal of the F.I.R. it appears that there is no specific allegation of any assault or overt act attributed against the petitioners rather there is general and omnibus allegation against the petitioners and it appears that due to previous dispute the present occurrence had taken place.

5. Learned counsel for the Informant as well as learned APP for the State, on the other hand, opposed the prayer for anticipatory bail of the petitioners and submits that the petitioners are named in the F.I.R. and petitioner nos. 1 and 4 have fired in the air and apart from that the petitioner nos. 2 to 4 having clean antecedent whereas petitioner nos. 1 and 3 carry one more criminal antecedent other than the present one in which they are on bail.



6. Considering the aforesaid facts and circumstances of the case, 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) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Kishanganj in connection with Paharkatta P.S. Case No. 124 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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