

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81484 of 2023**

Arising Out of PS. Case No.-80 Year-2023 Thana- KATIHAR MUFFASIL
District- Katihar

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1. MAHBOOB ALAM S/O LATE AFSAR ALI VILLAGE- NAYATOLA CHANPI,
PS. RAUTARA, DIST. KATIHAR
 2. MALEKASTUR S/O LATE ABDUL MANAN VILLAGE- NAYATOLA CHANPI,
PS. RAUTARA, DIST. KATIHAR
 3. MD. JIYAU S/O LATE ABDUL MANAN VILLAGE- NAYATOLA CHANPI, PS.
RAUTARA, DIST. KATIHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimal Kumar, Adv.

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-01-2024 Heard Mr. Bimal Kumar, learned counsel for the

petitioner and Mr. Humayou Ahmad Khan, learned A.P.P. for the

State.

The petitioners apprehend their arrest in connection
with Muffasil P.S. Case No. 80 of 2023 dated 20.04.2023
registered for the offence under Sections 447, 341, 323, 379, 504,
506, 307/34 of the Indian Penal Code.

The petitioners along with others are alleged to have
assaulted the informant by means of iron rod, lathi and knife
causing injury to him.

Learned counsel appearing for the petitioners submits



that the petitioners, who are of clean antecedent, are innocent and have falsely been implicated in this case. He further submits that from bare perusal of the F.I.R. it appears that no specific allegation of assault or any overt act is attributed to the petitioners rather there is general and omnibus allegation levelled in the F.I.R. that all the accused persons including the petitioners have assaulted the informant. He further submits that although informant has received injury, but the injury report suggest that the injuries are simple in nature.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case and the nature of allegation as well as the injury, let the, above named, petitioners, in the event of their arrest or surrender before the court below within a period of four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar in connection with Muffasil P.S. Case No. 80 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C. as also with the 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 bond shall be canceled by the Court below.

(2) 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.

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 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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