

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81072 of 2023

Arising Out of PS. Case No.-107 Year-2023 Thana- SINGHWARA District- Darbhanga

1. Moti Pamariya @MOTI Ahmad Son Of Late Khobhari Pamariya
2. Sakeena Khatoon Wife Of Moti Pamariya @ Moti Ahmad
Both are Resident Of Village- Kazi Mahalla (BHARWARA), Ps- Singhwara,
Distt- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Girish Chandra Jha, Advocate

For the Opposite Party/s : Mr.Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-01-2024 Heard Mr.Girish Chandra Jha, learned counsel for
the petitioners and Mr.Madan Kumar, learned Additional Public
Prosecutor for the State.

2. The petitioners are apprehending their arrest in
connection with Singhwara P.S.Case No.107 of 2023, FIR
dated 02.06.2023 registered for the offences punishable under
Sections 341,323,325,324,307,354,384,504,506,34 of the Indian
Penal Code.

3. Special allegation against co-accused person,
namely, Md. Zaheed is that he assaulted by means of knife on
the head of the informant and after that her husband came then
all the persons assaulted him by means of lathi and danda.



4. Learned counsel for the petitioners submits that petitioner No.1 carries one more case other than the present one and petitioner No.2 has clean antecedent and they have falsely been implicated in the present case. Further submits that from a bare perusal of the FIR it appears that there is no specific allegation of any assault or overt-act attributed against the petitioners rather there is specific allegation of assault is against co-accused person, namely, Md. Zaheed, who has assaulted to the informant and due to admitted land dispute, the present occurrence had taken place and there is case and counter case between the parties.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts, 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 (Ten Thousand)each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Darbhanga in connection with Singhwara P.S.Case No.107 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 their absence on two consecutive dates without sufficient reason, their bail bonds 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 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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