

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83794 of 2023**

Arising Out of PS. Case No.-103 Year-2023 Thana- BALRAMPUR District-
Katihar

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1. MANJAR ALAM SON OF LATE FARMOOJ ALAM R/O VILLAGE-
BAGDOGRA, P.S.- BALRAMPUR, DIST.- KATIHAR
 2. MAHFOOJ ALAM SON OF LATE FARMOOJ ALAM R/O VILLAGE-
BAGDOGRA, P.S.- BALRAMPUR, DIST.- KATIHAR
 3. MASUM ALAM @ MASUM SON OF FAIYAZ AALAM R/O VILLAGE-
BAGDOGRA, P.S.- BALRAMPUR, DIST.- KATIHAR
 4. SHAHNABAJ SON OF FAKIR KHAN R/O VILLAGE- BAGDOGRA, P.S.-
BALRAMPUR, DIST.- KATIHAR
 5. KUDRATI KHATOON WIFE OF FAKIR KHAN R/O VILLAGE- BAGDOGRA,
P.S.- BALRAMPUR, DIST.- KATIHAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	: Mr. Krishna Prasad Singh, Sr. Adv. Mr. Jitendra Kumar Pandey, Adv.
For the Opposite Party/s	: Mr. Zainul Abedin, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-01-2024 Heard Mr. Krishna Prasad Singh, learned senior

counsel for the petitioner and Mr. Zainul Abedin, learned

A.P.P. for the State.

After some argument, learned senior counsel
appearing for the petitioners seeks permission to withdraw
this application with respect to petitioner No.4, Shahnawaj
@ Md. Shahnawaj.

Accordingly, this application stands dismissed with



respect to petitioner No.4 only.

The petitioners apprehend their arrest in connection with Balrampur P.S. Case No. 103 of 2023 registered for the offence under Sections 341, 323, 307, 504, 506 and 34 of the Indian Penal Code.

The petitioners are alleged to have assaulted the informant along with his family members by hasua and knife causing them deadly injuries on different parts of the respective body.

Learned senior 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 the present took place on account of a land dispute in which both sides have sustained injuries and case and counter case has been lodged by the respective parties. He further submits that on bare perusal of the F.I.R., it appears that the specific allegation of assault is attributed to the co-accused, Md. Shahnawaj and Faiyaz and there is no specific allegation of assault or any overt act is attributed to the petitioners. He further submits that the injury report of Md. Shamsad Alam suggest that the injury received by him is 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, 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 Court below where the case is pending in connection with Balrampur P.S. Case No. 103 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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