

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84542 of 2024

Arising Out of PS. Case No.-258 Year-2024 Thana- BAIRIYA District- West Champaran

1. Manif Hawari @ Manif Alam S/o Latif Hawari R/o vill - Balua Tola Dumariya, P.s. - Bairiya, Distt.- West Champaran
 2. Latif Hawari @ Latif Alam S/o Kamil Hawari R/o vill - Balua Tola Dumariya, P.s. - Bairiya, Distt.- West Champaran
 3. Qayamuddin Ansari @ Kyamuddin Ansari S/o Isardum Miya R/o vill - Balua Tola Dumariya, P.s. - Bairiya, Distt.- West Champaran
- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 11-12-2024 Heard Ld. counsel for the petitioners and Ld. APP for the State.

2. The present petition has been filed on behalf of the petitioners, apprehending their arrest, in connection with Bairiya P.S. Case No. 258 of 2024, registered for the offences punishable under Sections 126, 127, 115, 118, 109, 303, 353, 3(5) of the B.N.S.

3. After some argument, learned counsel for the petitioners is seeking permission to withdraw the petition on behalf of petitioner no.2, Latif Hawari @ Latif Alam with liberty to surrender before the court below.

4. Permission is accorded.

5. Accordingly, the bail petition of petitioner no.2, Latif Hawari @ Latif Alam is dismissed as withdrawn with liberty as sought for.



6. As per the allegation, the accused persons including the petitioners have assaulted the informant and his brother.

7. Ld. counsel for the petitioners submits that the Petitioners are innocent and have falsely been implicated in this case. He further submits that the only allegation against the petitioner no.2, Latif Hawari @ Latif Alam is of dragging the alleged victim whereas the allegation against the petitioner no.3 is that he caused injury on palm by knife which is simple in nature.

8. It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one in the instant case.

9. It has further been stated in paragraph no.3 of the bail petition that the petitioner no.1 has clean antecedent, petitioner no.2 has one criminal antecedent, in which, he is on bail and petitioner no.3 has three criminal antecedent, in which, he is on bail.

10. Ld. APP for the State vehemently opposes the prayer of the Petitioners for bail.

11. Considering the aforesaid facts and circumstances, this petition is allowed, directing the petitioner no.1 and 3 above-named, to be enlarged on bail, in the event of their arrest



or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Ld. A.C.J.M., 3rd, Bettiah, West Champaran, in connection with Bairiya P.S. Case No. 258 of 2024, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner nos. 1 and 3 have criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioner nos.1 and 3 after hearing him and getting satisfied that the petitioner nos. 1 and 3 have concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner nos. 1 and 3.

(Jitendra Kumar, J)

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