

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.84581 of 2023**

Arising Out of PS. Case No.-102 Year-2023 Thana- JALE District-  
Darbhanga

- =====
1. Md. Afsar Ali @ Afsar Ali S/o Md. Ashraf Ali Resident of Village - Pithariya Khurd, P.s. - Jalley, District- Darbhanga.
  2. Mansad @ Mansad Karim @ Manshad Kareem S/o Md. Samad Karim, Resident of Village - Pithariya Khurd, P.s. - Jalley, District- Darbhanga.
  3. Dil Nawaj @ Md. Dilnawaj @ Md. Dilnawaz S/o Md. Obais, Resident of Village - Pithariya Khurd, P.s. - Jalley, District- Darbhanga.
  4. Md. Naushad @ Md. Naushad Karim, S/o Md. Afroj, Resident of Village - Pithariya Khurd, P.s. - Jalley, District- Darbhanga.
  5. Md. Tabrej @ Shams Tabrej @ S. Tabreez, S/o Md. Afroj, Resident of Village - Pithariya Khurd, P.s. - Jalley, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Baidya Nath Prasad, A

For the Opposite Party/s : Mr. Shailendra Kumar

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
ORAL ORDER

2      18-01-2024                      Heard Mr. Baidya Nath Prasad, learned counsel for the  
  
petitioners and Mr. Shailendra Kumar, learned A.P.P. for the State  
  
as well as learned counsel for the informant.

The petitioners apprehend their arrest in connection  
with Jalley P.S. Case No. 102 of 2023 registered for the offence  
under Sections 341, 323, 324, 325, 307, 427, 379, 504, 506/34 of  
the Indian Penal Code.

The petitioners along with 5-6 persons armed with  
sword, iron rod, Farsa and lathi intercepted the informant and  
have assaulted the brother of the informant on his head and  
when the informant rescued him, he has also been assaulted due



to which he sustained hand injury.

Learned counsel appearing for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that petitioner No.1, 4 and 5 have clean antecedent and petitioner No.2 and 3 are having two cases other than the present one. He further submits that the petitioners have falsely been implicated in this case. On bare perusal of the F.I.R., it appears that there is no specific allegation of assault or any overt act attributed to the petitioners rather there is general and omnibus allegation levelled against the petitioners. According to the F.I.R., the specific allegation is attributed against the co-accused, Md. Emamuddin and Md. Jabbar.

Learned A.P.P. for the State as well as learned counsel for the informant opposed the prayer for bail of the petitioners and submits that the petitioners along with accused persons have assaulted the family members of the informant.

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 Judicial Magistrate, 1<sup>st</sup> Class, Darbhanga in connection with Jalley P.S. Case No. 102 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 petitioner tampers 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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