

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84632 of 2023

Arising Out of PS. Case No.-130 Year-2023 Thana- ABADPUR District- Katihar

1. Sajekul @ Sajedul Son Of Motai @ Md. Suleman Resident Of Village- Nalsar, Ps- Abadpur, Distt- Katihar
2. Alam Son Of Samsul Haque Resident Of Village- Nalsar, Ps- Abadpur, Distt- Katihar
3. Samsul @ Samsul Haque Son Of Late Rejmat @ Late Rejamuddin Resident Of Village- Nalsar, Ps- Abadpur, Distt- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md. Helal Ahmad, Advocate
For the Opposite Party/s : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-01-2024 Heard Md. Helal Ahmad, learned counsel for the petitioners and Mr. Bharat Lal, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Abadpur P.S. Case No. 130 of 2023, F.I.R. dated 18.08.2023 for the offences punishable under Sections 341, 323, 324, 307, 379, 504 and 34 of the Indian Penal Code.

3. According to prosecution case, the petitioners are said to have assaulted the son of the informant by means of sharp weapons and also took away Rs.20,000/- from him.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been



implicated in the present case. He further submits that from 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 general and omnibus allegation against them. He submits that from perusal of the FIR it is evident that the date of occurrence is 16.08.2023 but the present FIR instituted on 18.08.2023 after thought with ulterior the motive only to falsely implicate these petitioners.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail.

6. Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of 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 bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-I, Katihar in connection with Abadpur P.S. Case No. 130 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 his absence on two consecutive dates without sufficient reason, his bail bond 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 antecedent, the court below shall take step for cancellation of bail bonds 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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