

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3569 of 2024

Arising Out of PS. Case No.-86 Year-2021 Thana- KISHANPUR District- Supaul

1. Md Sirajul Haque Son Of Late Md. Sadique R/O Village- Therbitta , East, P.S.- Kishanpur, Distt- Supaul
2. Md.Saufi Rehman Son Of Late Md. Atabul. R/O Village- Therbitta , East, P.S.- Kishanpur, Distt- Supaul
3. Md. Afroj S/O- Md. Saufi Rehman R/O Village- Therbitta , East, P.S.- Kishanpur, Distt- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Balkrishna Mishra, Advocate
For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-02-2024 Heard Mr. Balkrishna Mishra, learned counsel for
the petitioners and Mr. Yogendra Kumar Singh, learned
Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Kishanpur P.S. Case No. 86 of 2021, F.I.R. dated 22.04.2021 for the offences punishable under Sections 341, 323, 353/34 of the Indian Penal Code.

3. According to prosecution case, the petitioners are alleged to have caused disturbance in construction work being carried out by the office of Rehabilitation Officer, Koshi Project , Supaul on Khesra No. 743 by erecting a board of



Madarsa on the said land.

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 perusal of the F.I.R it appears that the petitioners are causing disturbance in the construction work. He further submits that it appears from the F.I.R that there is no specific allegation against these petitioners rather there is general and omnibus allegation against all the accused persons including these petitioners. He further submits that the petitioners have no personal interest in the Madarsa in question. He further submits that the co-accused persons, namely, Md. Imamudding @ Imamudddin and others have been granted anticipatory bail by this Hon'ble Court vide order dated 24.01.2024 passed in Cr. Misc. No. 83894 of 2023.

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

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 bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the



learned Additional Chief Judicial Magistrate, V Supaul in connection with Kishanpur P.S. Case No. 86 of 2021, 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 bond shall be cancelled by the Court below.

ii. If the petitioners tampers 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 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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