

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13362 of 2025

Arising Out of PS. Case No.-148 Year-2024 Thana- AMDABAD District- Katihar

-
1. Md. Dilwa Son of Mustakim @ Mustakim Nadaf R/O- Navratanpur, P.S.- Amdabad, Distt.- Katihar
 2. Md. Pilwa Son of Mustakim @ Mustakim Nadaf R/O- Navratanpur, P.S.- Amdabad, Distt.- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate
For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 28-02-2025 Heard Mr. Sanjeev Kumar Singh, learned counsel
for the petitioners and Mr. Bhanu Pratap Singh, learned A.P.P.
for the State.

2. The petitioners seek bail, who are in custody since 03.08.2024, in connection with Amdabad P.S. Case No. 148 of 2024, FIR dated 01.08.2024 registered for the offence under Sections 329(4), 126(2), 115(2), 118(1), 109, 74, 351(2), 351(3), 352, 3(5) of the Bharatiya Nagarik Sanhita.

3. As per the prosecution case, on 01.08.2024 all the accused persons including the petitioners entered into the house of the informant and started assaulting the brother of the informant. When the other family members came to save him then they were also assaulted by the accused persons.



4. Learned counsel appearing for the petitioners submit that the petitioners, who are of clean antecedent, are innocent and they have falsely been implicated in this case. He further submits that although the petitioners are named in the FIR and there is specific and direct allegation against the petitioners that they have assaulted to the brother of the informant but it appears from the FIR itself that due to some petty dispute the present occurrence has taken place and there is no intention of the petitioners to assault the informant or his family members. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioners. Petitioners are rotting in judicial custody since 03.08.2024.

5. Learned A.P.P. for the State, on the other hand, vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts that the petitioners have clean antecedent and police after investigation has submitted charge-sheet in this case against the petitioners, let the, above named, petitioners 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 learned Chief Judicial Magistrate at Katihar in connection with



Amdabad P.S. Case No. 148 of 2024 with the 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 canceled 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.

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)

ajay/-

U		T	
---	--	---	--

