

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89351 of 2024

Arising Out of PS. Case No.-127 Year-2024 Thana- GWALPARA District- Madhepura

1. Tarana Khatoon @ Tarana Praveen W/O Md. Afaque Resident of Jhanjhri, Ward no. 11, P.S.- Gwalpura, Dist.- Madhepura.
2. Md. Zabir S/O Md. Sakil Resident of Jhanjhri, Ward no. 11, P.S.- Gwalpura, Dist.- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Hussain, Advocate

For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-04-2025 Heard Mr. Md. Hussain, learned counsel for the petitioners and Mr. Binod Kumar, learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Gwalpara P.S. Case No. 127 of 2024, F.I.R. dated 11.07.2024 registered for the offences punishable under Sections 126(2), 115(2), 118, 109, 74, 303(2), 352, 351(2) of B.N.S.

3. The prosecution case, in brief, is that co-accused Md. Zahid is alleged to have assaulted with rod causing injury at the head of the informant and when the informant's mother-in-law came to save the informant, co-accused Md. Afaque assaulted with Dabiya causing injury at her head. It is further



alleged that when the informant's devar came to save them, the accused persons also assaulted him causing injury all over his body.

4. Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely implicated in the present case. He further submits that it appears from the F.I.R. that due to previous dispute with respect to Gwalpara P.S. Case No. 63 of 2024 the present occurrence had taken place. Although the petitioners are named in the F.I.R. but from perusal of the F.I.R. itself it appears that there is specific allegation of assault is against co-accused persons namely Md. Zahid and Md. Afaq and there is no specific allegation of any assault or overt act attributed against these petitioners rather there is general and omnibus allegation against these petitioners.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the case and the fact that the petitioners having clean antecedents and there is no specific allegation of any assault or overt act attributed against them, let the petitioners, above named, in the event of their 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/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Udakishanganj, Madhepura in connection with Gwalpara P.S. Case No. 127 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 and with other 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 bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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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