

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4023 of 2017

Arising Out of PS.Case No. -212 Year- 2016 Thana -RUPAULI District- PURNIA

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Md. Shamshad @ Buchia @ Md. Shamshed, Son of Suddi Mukhiya,
resident of Village Baki, Police Station Rupauli (Akbarpur), District Purnea.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Viveka Nandsingh

For the Opposite Party/s : Mr. Smt Indu Kumari Srivastava

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

2 06-03-2017 Heard the learned counsel for the petitioner as well as
the learned A.P.P for the State.

The petitioner seeks bail in a case for the offences
punishable under sections 147, 149, 153, 295, 295 (A), 120 B, 427
and 447 of the I.P.C

The petitioner is not named in the FIR wherein it is
alleged that the FIR named 14 accused persons including unknown
after forming an unlawful assembly, hatched up conspiracy,
entered into the temple maliciously insulting his religion and
committed the alleged occurrence with a view to disturb the
society.

Submission on behalf of the petitioner is that the
petitioner has got no criminal antecedent, he is suffering in
custody since 18.10.2016, charge sheet has already been submitted



and there is no chance of tampering with the prosecution evidence, the name of the petitioner has come during investigation in the statement of two witnesses at the belated stage and in this case FIR named accused persons have been allowed pre-arrest bail vide Cr. Misc. No. 373 of 2017 and as such the petitioner also deserves sympathetic consideration.

The learned A.P.P. fairly submits that Md. Shahid @ Shahid Raza, Md. Mushtaque and Md. Azad @ Azaz have been allowed pre-arrest bail by another co-ordinate Bench of this Court.

In the facts and circumstances as stated above, the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of A.C.J.M- 1st, Purnea in Rupauli (Akbarpur) P.S. Case No. 212 of 2016, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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