

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49368 of 2017

Arising Out of PS.Case No. -32 Year- 2017 Thana -BANGAON District- SAHARSA

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Aflak Shamim @ md. Akhlak Shamim @ Akhlak Shamim S/o Md. Shamim
Ahamad @ Shamim Ahamad, R/o Md. Ali Road, Hatiya Gachhi, Ward No.
31, P.S. + District- Saharsa.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate
For the Opposite Party/s : Mr. Sri Ataur Rahman, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

2 17-10-2017 Heard learned counsel for the petitioner and learned
APP for the State.

This is a case registered under Sections
147,148,149,307,399,402,353,332,333,188,224,225 of the Indian
Penal Code and 25(1-b) a, 25(1-AA), 26, 27 and 35 of the Arms
Act.

On the basis of some secret information that in the
house of one Amit Ranjan Jha and Baua Jha some criminals were
planning for some crime, a raid was conducted by the police party
whereupon the accused persons started firing upon them. The four
persons were apprehended from the said house other than the
instant petitioner.



Counsel for the petitioner submits that he has falsely been implicated merely on the basis of confessional statement of one of the apprehended person. He further submits that he is a career oriented student having no criminal antecedent prior to the instant case. He also submits that similarly situated co-accused person namely, Gautam Nath Jha, has been granted bail vide order dated 06.09.2017 passed in Cr. Misc. No. 36830 of 2017. He also submits that no recovery whatsoever has been made from the possession of the petitioner.

In the facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate, 1st, Saharsa in Bangaon P.S. Case No. 32 of 2017 subject to the conditions :

- (i) That one of the bailors will be a close relative of the Petitioner who will give an affidavit giving genealogy as to how he is related with the Petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the Petitioner.
- (ii) That the bailor shall also state on affidavit that he will inform the court concerned if the Petitioner is implicated



in any other case of similar nature after his release in the present case and thereafter, the court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse.

- (iii) That the Petitioner will give an undertaking that he will receive the police papers on the given date and be present on date fixed for charge and if he fails to do so on two given dates and delays the trial in any manner, his bail will be liable to be cancelled for reasons of misuse.

(Madhuresh Prasad, J)

Prakash/-

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