

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.53678 of 2018

Arising Out of PS. Case No.-837 Year-2016 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

MD. BISMILLA@MD. BISMILLAH Son of Md. Ishak @ Md. Irshad,
resident of Village- Pakki Sarai Chowk, Police Station- Mithanpura, District
Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prafull Chandra Jha

For the Opposite Party/s : Mr. Sri Arbind Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

3 25-10-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner, who is in custody, seeks bail in
connection with Sessions Trial No. 535 of 2017 arising out of
Town P.S. Case No. 837 of 2016 registered for the offence
punishable under Sections 504, 341, 324, 307 and 34 of the
Indian Penal Code and Section 27 of Arms Act.

Allegation against petitioner is that he fired gun
shot in the stomach of the informant.

It has been submitted on behalf of the petitioner
that petitioner is innocent and has been falsely implicated in
this case. Other co-accused, namely, Md. Pallu has been
granted bail by this Hon'ble Court vide order dated 10.10.2017



passed in Cr. Misc. No. 36904 of 2017. Petitioner is in custody since 02.01.2017. Charge has been framed and prosecution witnesses are being examined. Informant who sustained injury was examined as P.W. 4 and was declared hostile.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IX, Muzaffarpur, in connection with Sessions Trial No. 535 of 2017 arising out of Town P.S. Case No. 837 of 2016 subject to the conditions that:-

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2) Petitioner shall co-operate in the trial and shall be present on each and every date fixed by the court and his absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel his bail bond.
- (3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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