

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No 7917 of 2019**

Arising Out of PS. Case No.-12 Year-2017 Thana- KATIHAR MUFFASIL District- Katihar

MD SHAMIM @ MD SAMIM, aged about 32 years, male, Son of Md Mahmood, Resident of Village – Jafarganj, Police Station – Katihar Mufassil, District - Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Surya Prakash

For the Opposite Party/s : Mr.Umeshanand Pandit

**CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD**

**ORAL ORDER**

**2      24-04-2019**                      Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner's prayer for bail was earlier rejected by this Court in this case registered under Sections 147, 148, 149, 323, 324, 307, 379, 504, 506 of Indian Penal Code.

It is submitted by the petitioner's counsel that it could not be pointed out on the earlier occasion when this Court was considering the bail application of the petitioner in the proceedings arising out of Cr Misc No 23349 of 2018 that there was a case and counter case in relation to the occurrence in which the deceased is said to have sustained injuries. Annexure 5 series is the discharge summary submitted on behalf of the petitioner's brothers. It is submitted that in a free fight between



the parties relating to possession of land, the occurrence had taken place at the heat of moment. Petitioner has been in custody for almost two years.

Considering the aforesaid submissions, petitioner's prayer for bail 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 Session Judge, Katihar in Sessions Trial No 254 of 2017 arising out of Katihar Mufassil Police Station Case No 12 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 petitioner will be well represented on each date in the trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

**(Madhuresh Prasad, J)**

**M.E.H./-**

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