

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9605 of 2019

Arising Out of PS. Case No.-561 Year-2018 Thana- SAUR BAZAR District- Saharsa

MD. JAHMUL @ JAHMOOD @ MD. JAHMOOD, aged about 45 years,
Son of Md. Azir @ Md. Tejmul, Resident of Village- Lahauna (Pastpar), P.S.-
Saur Bazar, District- Saharsa ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Shekhar Kumar Singh, Adv.

For the Opposite Party : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 19-02-2019 Heard the learned counsel for the petitioner and the
learned counsel appearing for the State.

The petitioner is languishing in judicial custody since
08.10.2018 in connection with Saur Bazar P.S. Case No. 561 of
2018 for the offences alleged under Sections 147, 148, 149, 341,
323, 324, 307, 504 and 506 of the Indian Penal Code, Section 27
of the Arms Act and 3 and 4 of the Explosive Substances Act.

The prosecution case, as lodged by the police
personnel, is that on information that two groups, erstwhile
Mukhiya and the present Mukhiya, who were on inimical terms,
have resorted to assault and free fighting, the police reached the
place of occurrence. Thirty persons named in the first
information report and 5-6 unknown persons resorted to firing
and also hurled explosive on which several persons were injured
and one Krishna Kumar Sharma died.



It has been submitted by the learned counsel for the petitioner that he is innocent although named in the first information report, but, no specific allegation has been alleged against him. He, further, submits that it was a mob attack in which large number of persons had assembled and charge sheet has already been submitted, there being no allegation of tampering with the prosecution witnesses. He submits that some of the named accused have already been granted the privilege of bail by this Court in Cr. Misc. No. 8339 of 2019 by order, dated 13.02.2019. He, further, submits that the petitioner has been made accused in earlier cases being on inimical terms with the two rival Mukhiyas and has been granted bail in all three cases lodged against him.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent and three more cases are pending against him.

Considering the facts and circumstances and the materials on record, the period of custody and that similarly situated co-accused have already been granted the privilege of bail, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with



two sureties of the like amount each in connection with Saur Bazar P.S. Case No. 561 of 2018 to the satisfaction of the learned Chief Judicial Magistrate, Saharsa, subject to the following conditions :

(i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(ii) Petitioner will appear before the learned Court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(iii) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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