

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50925 of 2019

Arising Out of PS. Case No.-78 Year-2019 Thana- KURTHA District- Jehanabad

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MD. SHAMSHIR @ SHAMSHIR MALLICK Son of Haji Ajj Resident of
Gohra, Police Station-Kurtha and District-Arwal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Arun Kumar
For the Informnt	:	Mr. Jogendra Kumar
For the State:		Mr.Chandra Bhushan Prasad

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 17-08-2019 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 341, 323, 325, 307, 379, 504/34 of the Indian Penal Code registered in connection with Kurtha P.S. Case No. 78/2019.

3. It is submitted that the petitioner has been falsely implicated and the FIR has been instituted against as many as 15 accused persons. There is case and counter case between the parties. The accusation of firing with rifle by the petitioner is not corroborated by injury report and no one has sustained such injury. Injury sustained by the informant's side are not attributable to the petitioner. The petitioner claims clean antecedents.

4. Learned APP assisted by learned counsel for the informant appearing *suo motu* opposes the anticipatory bail petition submitting that as many as six persons have sustained injury and some of which are awaiting final opinion.

5. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be



released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned CJM, Arwal (Jehanabad), in connection with Kurtha P.S. Case No. 78/2019, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions:

- i. That one of the bailors shall be a close relative of the petitioner.
- ii. That the petitioner shall not indulge in any similar offence till conclusion of the trial.
- iii. That the petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.
- iv. The petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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