

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50850 of 2018

Arising Out of PS. Case No.-27 Year-2010 Thana- SHYAMPUR BHATHA District- Sheohar

Wali Mohammad, son of Late Mazhar @ Abdul Jalil, resident of Vill.- Goriya
Tola, P.S.- Shyampur Bhataha, District- Sheohar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Kumar, Adv

For the Opposite Party/s : Mr. Anand Mohan Prasad Mehta

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

5 03-04-2019 The petitioner has renewed his prayer for bail which was earlier dismissed as withdrawn vide order dated 05.12.2017 passed in Cr. Misc. No. 50744 of 2017.

The petitioner is alleged to have been identified amongst 60-70 miscreants, who had assembled at the house of the informant and had resorted to indiscriminate firing and hurling of bombs. As per the F.I.R, the informant has alleged that two of the accused persons, out of three, who had come on the motorcycle and who were identified as Suresh Sahni and Hamid Ansari started firing indiscriminately. It has thereafter been alleged in a general manner that accused persons who were about 60-70 in numbers, assaulted and killed three persons, two being the brother and uncle of the



informant and one, a co-villager. The name of the petitioner was taken as having been identified by the informant in the light of the generator, while running away.

The police after investigation submitted charge-sheet against the petitioner whereupon cognizance was taken and the case was committed to the Courts of Sessions for trial.

A report had been called for about the stage of the case, which report has been since received and is kept at Flag-Q.

From the perusal of the report, it appears that charges have been framed on 07.12.2018 and no witness, as yet, has been examined on behalf of the prosecution. Though the charge against the petitioner has been framed only on 07.12.2018, but the petitioner has remained in custody since 03.07.2017. It has also been brought to the notice of this Court that some of the other accused persons, whose names were also taken along with the name of the petitioner by the informant as having been identified in the light of the generator while fleeing away from the place of



occurrence, have been granted bail by different Benches of this Court. However, in favour of most of them, final report false was submitted. One of the accused persons, similarly situated, against whom charge-sheet was submitted, has also been granted bail.

Regard being had to the aforesaid facts; viz. period of custody, no specific accusation of firing and similarly situated another accused persons having been granted bail, coupled with the fact that there are no chances of the trial being concluded in near future, this Court feels inclined to release the petitioner on bail during the pendency of the trial.

Let the petitioner, above named, be released on bail on his furnishing bail bonds of Rs. 10,000/-(Ten Thousands) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge, 1st, Sheohar in connection with Sessions Trial No. 183 of 2016, arising out of Shyampur Bhataha P.S. Case No. 27 of 2010.

The petitioner shall participate in the trial and not



indulge in any act which would have the potency of delaying the conclusion of the same. Should he be found doing so and absenting himself from the trial proceedings without reasonable cause, it would be open for the Trial Court to proceed for cancellation of the bail granted to him.

The application stands disposed off.

(Ashutosh Kumar, J)

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