

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)  
CRIMINAL MISCELLANEOUS No.6113 of 2020**

Arising Out of PS. Case No.-150 Year-2019 Thana- BHAWANIPUR District- Purnia

MD. ISLAM S/O Late Usman Resident of village - Bhelwa, P.S. -  
Bhawanipur, District - Purnia.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr.Mukesh Kumar Jha, Advocate

For the Opposite Party/s : Mr.Shyam Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD  
ORAL ORDER**

4      05-06-2020                      This application has been placed for consideration by  
  
the order of the Hon'ble the Chief Justice through virtual court  
  
proceeding.

Heard learned counsel for the petitioner and learned  
  
APP for the State.

The petitioner in the present case is seeking regular bail  
  
in connection with Bhawanipur P.S. Case No. 150 of 2019  
  
registered for the offences punishable under Sections 302,  
  
120B/34 of the Indian Indian Penal Code and Section 27 of the  
  
Arms Act.

Learned counsel for the petitioner submits that  
  
although the petitioner is one among the named accused persons  
  
who are said to have been seen while fleeing after the alleged  
  
occurrence but the informant has specifically named co-accused  
  
Samshad and Naushad in whose hands he had seen the firearm, no



firearm has been attributed to this petitioner, moreover, the allegation so far as this petitioner is concerned, against him is general and omnibus allegation, the post mortem report shows only one gunshot injury on the body of the deceased, the petitioner is in custody since 29.08.2019 and investigation against him is complete.

Learned APP does not dispute that the witnesses who are said to have identified the petitioner one amongst the persons fleeing during the night hours have not attributed any weapon in the hands of this petitioner. The petitioner has otherwise no criminal antecedent.

Considering the facts and circumstances of the case and submission of learned counsel for the petitioner that the witnesses have not attributed any weapon in the hand of the petitioner and that the very identification of this petitioner as a person fleeing during night hours is based on mere suspicion, the petitioner is in custody since 29.8.2019 and now investigation against him is complete and there is no submission on behalf of the State that the release of the petitioner at this stage is in any way likely to interfere with the course of trial, let the petitioner above named be released on bail in Bhawanipur P.S. Case No. 150 of 2019 on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction



learned S.D.J.M., Purnia, subject to the conditions as laid down under Section 437(3) of the Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic during the lockdown period. The authorities concerned shall take appropriate steps to ensure such observance prior to and after release of the petitioner.

This application stands allowed.

**(Rajeev Ranjan Prasad, J)**

avin/-arvind

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

