

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21618 of 2020**

Arising Out of PS. Case No.-88 Year-2020 Thana- MADHEPURA District- Madhepura

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SALMAN @ MD. SALMAN, age 18 years, Male, S/o - Ganimat @ Md. Ganimat Hak, Resident of Village- Sattar, Kataiya, P.S.- Bihra, District- Saharsa.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Nafisuzzoha, Advocate.
For the Opposite Party : Mr.A.G.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 06-07-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’ under the orders of Hon’ble the Chief Justice.

Learned counsel for the petitioner is directed to remove the defects, as pointed out by the office, within a period of four weeks from the date of lifting of the lockdown in the State of Bihar.

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



The petitioner seeks bail in a case for the offence registered under Sections 341, 323, 307/34 of the IPC and 27 of the Arms Act.

The prosecution story, in brief, is that on 28.01.2020 at about 8.00 P.M., the informant's son Vikash Kumar was going to Sakhua alongwith his two friends, namely, Amit Ram and Vivek Kumar, when he reached near Shiv Mandir, Sakhua, three miscreants riding on a Motorcycle tried to stop them, on protest they started to open fire upon them and his son sustained firearm injury in his left hand and Vivek Kumar also sustained injury in his hand. He further stated that Amit Kumar sustained injury over his head. On hearing sound of firing, nearby people gathered there and they caught them and assaulted. His son and other injured persons were taken to Madhepura Hospital for treatment from where he was referred to Surya Clinic Saharsa for better treatment and they were handed over to the concerned police.

It has been submitted by learned counsel for the petitioner that the petitioner is languishing in custody since 30.01.2020 and has got no criminal antecedent. The petitioner has falsely been implicated in the present case. Charge sheet has been submitted in the present case. There is no allegation of



tampering with the witnesses alleged against the petitioner. The petitioner is not named in the F.I.R. From perusal of F.I.R. bearing Madhepura P.S. Case No. 87 of 2020, annexed as Annexure-2 to the present application, it appears that a separate case was instituted by the Officer-in-charge of the said police station on the alleged date of occurrence against the local residents of the said area who are said to have assaulted the petitioner and two others under the impression that they are thieves. The said F.I.R. was against 50 unknown persons who are alleged to have assaulted the petitioner and two others. Due to village politics, the present case has been instituted against the petitioner as to when there is no injury report on the record to support the allegation made in the F.I.R.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the facts and circumstances of the case and also the lockdown, the petitioner above named, is directed to be released on bail on his personal bond to the satisfaction of the learned C.J.M. Madhepura in connection with Madhepura P.S. Case No. 88/2020.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) with



two sureties of the like amount each within a period of four weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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