

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26934 of 2020

Arising Out of PS. Case No.-746 Year-2019 Thana- SAHARSA District- Saharsa

MD. IBRAHIM GARDI @ MD. IBRAHIM Son of Md. Allauddin Resident
of Village- Bherdhari, Police Station- Saharsa, District- Saharsa.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Uday Chand Prasad, Advocate

For the Opposite Party : Mr. Awadhesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

6 21-12-2020 Heard Mr. Uday Chand Prasad, learned counsel
appearing on behalf of the petitioner and Mr. Awadhesh Kumar
Singh, learned Additional Public Prosecutor, for the State of
Bihar.

This application for grant of regular bail arises out of
Saharsa Sadar P.S. Case No. 746 of 2019, registered for the
offence punishable under Sections 307/34 of the Indian Penal
Code and Section 27 of the Arms Act.

The victim is the informant, who alleged that she
suddenly received gunshot injuries and when she could realize
that the occurrence had happened, she found two persons fleeing
away, with one person in possession of a firearm. Once she fell
down on the ground after having received the injury, the persons
present nearby rushed and took her to hospital. In the hospital,
her statement was recorded by the police officer in presence of



the petitioner. From the First Information Report, it transpires that the petitioner is the owner of a go-down, where the informant worked and she was returning back from the said go-down.

Learned counsel appearing on behalf of the petitioner has argued that there is absolutely no material to connect the petitioner with the alleged offence and he has been implicated only on the basis of mobile call details and his location at the time of occurrence.

On perusal of the First Information Report and the case diary, I find substance in the submission made on behalf of the petitioner that there does not appear to be direct material showing petitioner's involvement in commission of the offence.

Considering the above, this application is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Saharsa, in Saharsa Sadar P.S. Case No. 746 of 2019.

It is directed that the defect(s) in the application, pointed out by the Registry, must be removed within two months.



Since COVID-19 pandemic situation is prevailing, the Court has considered it appropriate to adopt following procedure for communication of the present order :-

(i) The order, which has been dictated during the course of the proceedings of virtual Court, shall be communicated to me on my e-mail I.D. by the Secretary.

(ii) The corrected copy of the order shall be transmitted by me from my e-mail I.D. to the Secretary, which shall be treated to be the authentic copy of the order passed by this Court today in the present proceeding.

(iii) Hard copy of the order, duly signed by me, shall be preserved in my residential-office for documentation and future use, if any.

(iv) Let a copy of the order be communicated to the learned Court below through e-mail or any other appropriate electronic mode by the Registry.

Let steps be taken by the Registry for uploading of the present order without compromising with the norms of social distancing.

(Chakradhari Sharan Singh, J)

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