

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55575 of 2019

Arising Out of PS. Case No.-739 Year-2018 Thana- ARA NAGAR District- Bhojpur

Md. Samsher Miya @ Shamsheer Miya S/o Late Md. Kasim R/o Mohalla-
Abarpul (Milki), P.S.- Ara Nagar, Distt.- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Ranjan Pd. Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 23-01-2020 Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in **Ara Nagar P.S. Case No. 739 of 2018 corresponding to Sessions Trial No. 209 of 2019**, registered for the offence punishable under Sections 387, 302, 307 and 34 of the Indian Penal Code and section 27 of the Arms Act.

It is submitted by learned counsel appearing on behalf of petitioner that petitioner has falsely been implicated in this case. Petitioner is not the person who fired upon the deceased. The only allegation against the petitioner is that this petitioner along with one co-accused Babli Miyan fired upon the informant which caused injury on his abdomen. From perusal of injury report vide Annexure 2, it appears that nature of injury is hard and forceful, but the doctor has not found any fire-arm injury upon the informant. Charge-sheet has already been submitted and there is no allegation of tampering with the



evidence against this petitioner. Petitioner is in custody since 27.03.2019.

Considering the facts aforesaid, the petitioner above-named, is directed to be enlarged 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 **Additional District and Sessions Judge IX, Bhojpur at Ara** in connection with **Ara Nagar P.S. Case No. 739 of 2018 corresponding to Sessions Trial No. 209 of 2019**, subject to the following conditions:-

(i) The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Prabhat Kumar Singh, J)

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