

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75183 of 2019

Arising Out of PS. Case No.-600 Year-2018 Thana- SAUR BAZAR District- Saharsa

Md. Jamir S/o Md. Ehashan Resident of Village- Lahauna, Ward No.07, P.S.-
Sourbazar, District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Advocate Mr. Bhaskar Shankar, Advocate
For the Opposite Party/s	:	Mr. J.N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 18-06-2020 The matter has been taken up through virtual Court proceeding.

Heard Mr. Krishna Prasad, learned Senior counsel for the petitioner and Mr. J.N. Thakur, learned APP for the State.

The petitioner is languishing in custody since 30.08.2019 in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 504 of the Indian Penal Code and Section 27 of the Arms Act. Subsequently, Section 302 of the IPC was also added, hence, the prayer for bail has been made through the present application.

The prosecution case as per the fardbeyan of Satto Sharma, recorded by Bijay Kumar, A.S.I., Ramkrishna Nagar P.S. in Narayani Hospital, Nandlal Chhapa in ICU Ward on



07.10.2018 is to the effect that on the same day at about 7.00 A.M., the brother of the informant, Krishna Sharma along with his nephew, Pardoon Sharma went to clince of Md. Jakariya for the purpose of treatment, in the meantime, 25 accused persons and 2 unknown persons came, surrounded them and on the order of co-accused, Md. Miso @ Haidar Kamal, co-accused Md. Marguo resorted to fire by a rifle which hit the brother of the informant, as a result, the brother of the informant fell down and subsequently, he was taken to Sadar Hospital, Madhepura, where he succumbed to his injuries. It is further alleged that thereafter, indiscriminate firing was made by all the accused persons.

It is submitted by learned Senior counsel for the petitioner that specific accusation of firing is against co-accused Md. Marguo and the postmortem report suggests only one corresponding injury on the body of the victim. The investigation has already been concluded and similarly situated co-accused persons have been granted bail vide Cr. Misc. Nos. 10671 of 2019 and 15608 of 2019. Though, the petitioner is accused in four other cases but he is on bail in those three cases.

Learned APP for the State submits that though the specific accusation of firing is against co-accused but petitioner



is member of the unlawful assembly.

Considering the fact that the specific accusation of firing is against co-accused, the investigation has already been concluded and similarly situated co-accused persons have been granted bail, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned Chief Judicial Magistrate, Saharsa in connection with Sourbazar (Patarghat O.P.) P.S. Case No. 600 of 2018.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond upon furnishing an undertaking by the surety, on photo copy of his Aadhar Card, to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saharsa in connection with Sourbazar



(Patarghat O.P.) P.S. Case No. 600 of 2018.

The learned Court below is at liberty to further extend the period of provisional bail if the court proceeding in physical mode will not resume in next three months.

The learned court below will be at liberty to cancel the bail bonds of the petitioner, if the petitioner gets substantially involved in some serious nature of offence or defaults for two consecutive occasions during trial.

(Dinesh Kumar Singh, J)

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