

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1279 of 2021

Arising Out of PS. Case No.-129 Year-2019 Thana- HABIBPUR District- Bhagalpur

MD. SAHIN @ TIGIA, Son of Md. Sufan, Resident of village - Ganichak
Garhaiya, Police Station - Mojahidpur, District - Bhagalpur.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Pravin Kumar Sinha, Adv.
For the Respondent/s : Mr.Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 12-03-2021 Learned counsel for the appellant undertakes to
remove all the defects as pointed out by office within four
weeks after start of normal functioning of the Court.

Heard learned counsel for the appellant and learned
Spl. P.P. for the State.

The appellant in the present case is seeking to set
aside the order dated 27.08.2020 passed by learned 3rd
Additional District and Sessions Judge-cum-Special Judge
(SC/ST Act), Bhagalpur in Bail Petition No.411 of 2020 arising
out of Habibpur P.S. Case No.129 of 2019 registered for the
offences punishable under Sections 364(A)/34 of the Indian
Penal Code Act and Section 27 of the Arms Act, later on during
the course of investigation Sections 3(i)(r), 3(2)(va) of SC/ST
Act were also added in this case, whereby and whereunder the



prayer for regular bail of the appellant has been rejected.

Learned counsel for the appellant submits that the appellant has been falsely implicated in this case. The fact is that some dispute with regard to monetary transaction was going on between the parties and just in order to grab the amount, the informant has lodged the present case just to harass the appellant. Learned counsel submits that the manner of the alleged occurrence seems to be highly improbable. It is submitted that the appellant is in custody since 28.02.2020.

Mr. Sadanand Paswan, learned Spl. P.P. for the State is present and has opposed the prayer for regular bail of the appellant.

Having regard to the facts and circumstances of the case wherein learned counsel for the appellant has submitted that there is absolutely no allegation against this appellant, all other co-accused including Imran have been granted bail either by this Hon'ble Court or by the learned court below which would be evident from Annexure-2 and Annexure-3 series, the appellant has got one antecedent in which he is on bail, further finding that from the order passed by the learned court below in the case of Imran it appears that the parties have entered into a settlement, the impugned order is set aside.



Let the appellant be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned 3rd Additional District and Sessions Judge-cum-Special Judge (SC/ST Act), Bhagalpur in connection with Habibpur P.S. Case No.129 of 2019, subject to the condition as laid down under Section 437 (3) 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 the court below shall verify the criminal antecedent of the appellant and in case at any stage it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail



bonds in terms of the above-mentioned order shall not be
delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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'.

