

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21321 of 2021

Arising Out of PS. Case No.-97 Year-2020 Thana- CHAUSA District- Madhepura

Md. Jasim Son of Md. Khilafat Resident of Village- Paina, Police Station-
Chausa, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 16-11-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Chausa P.S. Case No. 97 of 2020 instituted for the offences
under Sections 307, 504 and 506 of the Indian Penal Code read
with Sections 25(1-b), a, 26 and 37 of the Arms Act.

Learned counsel for the petitioner at the outset
submits that the petitioner is a person with clean antecedent and
is in custody since 21.04.2020 and charge-sheet has been
submitted in the case.

Learned counsel for the petitioner submits that from
bare perusal of the allegation as alleged in the F.I.R. it would
manifest that the informant has alleged that on 18.04.2020 when
he was going to his residence then the petitioner on the way



fired at him and fled in the field of maize crop from where the family members of the petitioner brought the informant to Chausa Hospital from where he was referred to Bhagalpur for better treatment. Further, that the informant returned to his house on 19.04.2020 in the night and on 20.04.2020 at about 12 pm, the informant went to the petitioner's house along with villagers to ask him about the reason for committing the occurrence, at this the petitioner brought country-made pistol and started threatening the informant and others and then he was caught by the villagers and handed over to the police.

Learned counsel for the petitioner submits that it does not stand to reason that the occurrence is of 18.04.2020 when it is alleged that the petitioner fired at the informant and he was referred for better treatment to Bhagalpur but no F.I.R. was instituted rather on 20.04.2020, the informant went to the house of the petitioner for asking as to why he committed that occurrence, the prosecution story thus appears to be improbable.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

Considering the fact that the petitioner is in custody since 21.04.2020, charge-sheet has been submitted in the case and the petitioner is a person with clean antecedent, let the



petitioner above named be released on bail on furnishing of bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Udakishunganj, Madhepura in connection with Chausa P.S. Case No. 97 of 2020 subject to the condition as laid down under Section 437 (3) Cr.P.C.

(Satyavrat Verma, J)

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