

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24936 of 2021

Arising Out of PS. Case No.-169 Year-2017 Thana- BIRPUR District- Supaul

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SHAMSHER ALAM @ MD SAMSER ALAM @ MD SHAMSHER ALI
Son of Peskar Ali Resident of Village- Ghoraghat, P.S.- Birpur (Balua Bazar),
District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Jha

For the Opposite Party/s : Md. Aslam Ansari

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 08-12-2021 Heard learned counsel for the petitioner and learned
APP for the State.

This Court would expect that the petitioner's
Counsel would honour his undertaking in the instant
proceedings regarding supply of requisite court fee etc. within
two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in connection with S.T. No.
347/2019 arising out of Birpur P.S. Case No. 169 of 2017
registered under Sections 147, 148, 149, 323, 236, 354B, 307,
324 and 342 of the Indian Penal Code.

The allegation of assault by sixteen persons
variously armed leads to the petitioner's implication in the
instant case.



It was submitted by the petitioner's counsel that there is a case and counter case. Petitioner's prayer for bail, based on aforesaid submission and submission that he was not present in the village at the time of occurrence, was rejected on 02.06.2020. His rejection was taking note of the specific allegation against the petitioner of assault by sword upon Nemtullah.

Learned counsel for the petitioner submits that after rejection of his prayer for bail on 02.06.2020 in Cr. Misc. No. 12803 of 2020, there is no progress at the trial and the petitioner has remained in custody since 25.09.2019, i.e., for more than two years.

In this background, this Court requisitioned the report from the trial court. The report dated 16.11.2021, suggests that the record is still pending for appearance of accused person.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case as well as report, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed. Let the petitioner above named



be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Addl. District and Sessions Judge-VII, Supaul in S.T. No. 347/2019 arising out of Birpur P.S. Case No. 169 of 2017, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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