

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.20668 of 2020**

Arising Out of PS. Case No.-142 Year-2019 Thana- AMDABAD District- Katihar

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MD. ABUJAR @ SUFIYAN S/o Abdul Salam Resident of Village-Maltipur,
P.S-Amdabad, District-Katihar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s	:	Mr. Rajeev Kumar, Advocate
For the Informant	:	Mr. Binod Kumar No. 3, Advocate
For the State	:	Mr. Akhileshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 17-08-2021 Learned counsel for the petitioner 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 petitioner, learned counsel for the informant and learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Amdabad P.S. Case No. 142 of 2019 registered for the offences punishable under Sections 147, 148, 302, 307, 323, 324, 341, 504 and 34 of the Indian Penal Code. He is in custody since 07.11.2019.

Learned counsel for the petitioner submits that in the First Information Report there is general and omnibus allegation that on the instigation of co-accused Abdul Salam, all other

accused assaulted the deceased by iron rod, dabia and farsa. The informant and his uncle were also assaulted.

Learned counsel for the petitioner submits that so far as the injury caused to the deceased is concerned, only one injury has been found on his body and after noticing this fact a learned co-ordinate Bench of this Court has allowed the prayer for bail of the co-accused Abdul Salam in Cr. Misc. No. 7199 of 2020. It is further pointed out that the co-accused Humayun and Shahnawaz whose prayer for bail was rejected by the same impugned order have also been released on bail by another learned co-ordinate Bench of this Court in Cr. Misc. No. 16543 of 2020. There is a case and counter case also.

Learned A.P.P. for the State and learned counsel for the informant have opposed the prayer for bail of the petitioner. This Court has been informed that the trial has begun and one prosecution witness has been witnessed so far. There are altogether nine charge-sheet witnesses.

Learned counsel for the informant was called upon to distinguish the case of the petitioner, from that of the case of co-accused Humayun who has been granted bail by a learned co-ordinate Bench of this Court. Learned counsel for the informant accepts that the case of the petitioner is similarly situated with

co-accused Humayun.

Considering the facts and circumstances of the case wherein the allegations are general and omnibus and the similarly situated accused has been granted bail by a learned co-ordinate Bench of this Court and in the present day's pandemic situation where the court is not functioning physically, the completion of evidence of eight remaining prosecution witnesses are likely to take some substantial time, this Court deems it just and proper to grant similar privilege of bail to the petitioner which has been granted to the accused similarly situated. Let the petitioner, who has otherwise no criminal antecedent, 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 A.D.J.-V, Katihar in connection with Amdabad P.S. Case No. 142 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 petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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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'.