

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36744 of 2021

Arising Out of PS. Case No.-109 Year-2020 Thana- BAUSI District- Purnia

Shamsir @ Md. Shamsir @ Shamsir Alam Son of Late Kasim Resident of
Village- Milik Tola, Harerampur, P.S.- Baisi, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Irshad Ahmad Khan

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-12-2021 Let the defects, if any, be removed within four
weeks of the complete start of the Physical Court.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in connection
with Baisi 109 of 2020 for the offences punishable under
Section 147, 341, 326, 307, 504 and 506 of the Indian Penal
Code .

According to the prosecution case, Petitioner was
constructing house forcibly in the disputed land then informant (
Md. Iliyas) went there to stop it. Four to five unknown person
framed unlawful assembly having lathi danda sword started
abusing the informant and assaulted the informant with lathi
blow and his nephew with sword blow.



Learned counsel for the petitioner submits that petitioner is falsely implicated due to previous enmity. He further submits that it appears from Annexure-2 that there is land dispute between the parties and the said case is decided in favour of the petitioner against the informant by Bihar Land Tribunal, Patna in B.L.T. Case No. 263 of 2019. Petitioner is in jail custody since 06.12.2020.

The learned A.P.P opposed the prayer for bail of the petitioner and submits that except this case, petitioner is having one case, which manifests in Paragraph-3 of the petition.

Considering the aforesaid facts and circumstances as well as submissions of the parties and period of detention of the petitioner, 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 learned Chief Judicial Magistrate, Purnea in connection with Baisi P.S Case. No. 109 of 2020 ,subject to the following conditions;-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.



2. If the petitioner tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. 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 petitioners have concealed their 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.

(Rajesh Kumar Verma, J)

N.K/-

U		T	
---	--	---	--

