

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39108 of 2020

Arising Out of PS. Case No.-157 Year-2017 Thana- BARGAINIA District- Sitamarhi

Wakil Miyan @ WAKIL Nut, Son of Jalil Nut, Resident of Village- Rohuwa,
P.S.- Sonbarsa, District- Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mr. Bal Mukund Prasad Sinha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 10-02-2021 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 and Mr. Bal Mukund Prasad Sinha, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Bairginia P.S. Case No. 157 of 2017 registered for the offences under Sections 384, 120B, 307 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the name of the petitioner has surfaced after six days of the alleged occurrence of firing, nobody has been injured in the said firing and the F.I.R. was lodged against unknown.

Learned counsel submits that there is no other



material against the petitioner showing his involvement in the alleged firing and he has remained in jail in connection with this case since 12.03.2020.

Mr. Bal Mukund Prasad Sinha, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having considered the submissions of learned counsel for the petitioner that the name of the petitioner has surfaced after six days of the alleged occurrence of firing, nobody has been injured in the said firing and the F.I.R. was lodged against unknown and further submission that the petitioner has remained in jail in connection with this case since 12.03.2020, the trial is not likely to be concluded in near future and in the two cases he is on bail, there being no other material placed before this Court save and except that this petitioner was allegedly involved in the firing but in course of his custody, no TIP has been conducted and nobody has identified, there being no submission of the State that release of the petitioner is in any way likely to result in tampering with the evidence or interfering with the course of trial, let the petitioner above named 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 Chief Judicial



Magistrate, Sitamarhi in connection with Bairginia P.S. Case No. 157 of 2017, 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 till conclusion of the trial in the present case the petitioner shall continue to submit his attendance in Bairginia Police Station every month on the date and his attendance shall be recorded by the Officer-in-Charge of the said Police Station and further that the petitioner shall cooperate in course of trial. Two consecutive defaults in putting appearance in course of trial shall invite the cancellation of bail of the petitioner.

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.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

vats/-

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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'.

