

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2447 of 2021

Arising Out of PS. Case No.-142 Year-2020 Thana- MIRGANJ District- Gopalganj

JHUNA ALAM @ AKBAR ALAM S/o Mohamad Alam R/o Village- Virvat
Bazar, P.S.- Uchkagawn, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Milind Kumar Mishra, Adv.
For the Opposite Party/s	:	Mr.Satyendra Prasad, APP
For the Informant	:	Mr.Prashant Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 09-08-2021 Heard the parties through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, office will place the matter before the Bench.

The petitioner seeks bail in connection with Mirganj P.S. Case No.142 of 2020 registered for the offence punishable under Sections 307/34 of the Indian Penal Code.

The prosecution case in short is that while the informant along with driver proceeded for Barharia by his Alto vehicle and reached near Saraya field, three persons sitting on a motorcycle overtook his vehicle. It is alleged that petitioner was driving motorcycle and other two were sitting behind and one Naresh Yadav was sitting on another motorcycle. Then near Pisara cold



storage, petitioner made firing from his pistol on the informant due to which he sustained head injury and fell down. After that Naresh Yadav and unknown person came to his vehicle and made firing upon him from his pistol and he sustained throat injury.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has not committed any offence as alleged in the FIR. No offence as alleged has ever taken place. He has been falsely implicated in this case due to previous enmity. No incriminating article has been recovered from the conscious physical possession of the petitioner. There is general and omnibus allegation against the petitioner. Similarly situated co-accused namely Naresh Yadav has already been enlarged on bail by the learned court below itself. The petitioner has one criminal antecedent and has been languishing in custody since 25.07.2020.

Learned APP for the State opposed the prayer for bail.

Considering the facts and circumstances of this case, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-XVI, Gopalganj in connection with Mirganj P.S. Case No.142 of



2020, subject to the following conditions:

(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) The petitioner shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

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