

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1814 of 2021

Arising Out of PS. Case No.-263 Year-2017 Thana- ARA NAGAR District- Bhojpur

Md. Naim Mistree @ Naim Miyan @ Sahatu S/o Late Amin Miya R/o
village- Dharhara, Ara, P.S.- Ara (Town), District- Bhojpur

... .. Petitioner

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioner : Mr.Ravindra Kumar, Advocate

For the Opposite Party : Mr.Syed Shamsuddin, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 21-06-2021 This matter is taken up for consideration through Video Conferencing.

Heard learned counsel for the petitioner and the State.

The petitioner prays for grant of regular bail in a case registered for the offence punishable under section 307 and other ancillary sections of the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution case, the petitioner and one Chand Mian are alleged to have fired on the informant which hit him on the leg.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He submits that as per the FIR, 30/35 persons attacked the informant and his brother, then it is highly improbable to identify the person who caused him fire arm injury. It is also submitted that the informant sustained injury on his non-vital



part of the body. More so, FIR has been lodged on 13.5.2017 for the offence said to have been committed on 11.5.2017 without giving cogent explanation of delay in filing the FIR. Investigation is complete and the petitioner is in custody since 15.7.2019.

Learned counsel for the State opposes the prayer for bail and submits that the petitioner is accused in altogether 10 criminal cases. Replying the same, learned counsel for the petitioner submits that petitioner has already been acquitted in three cases, whereas he is on bail in three cases.

Considering the rival submissions of the parties, materials available on record and the period of custody of the petitioner, let the petitioner, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Bhojpur at Ara in Ara Town Police Station Case No. 263 of 2017 on 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 his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the



Court below.

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

(Prabhat Kumar Singh, J)

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