

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7345 of 2021

Arising Out of PS. Case No.-332 Year-2020 Thana- PURNEA SADAR District- Purnia

AJMAL PYAM @ AZMAL PAYAM S/O WAREES R/O - SHIKARPUR
WARD No.11, P.S.- BALIYA BELON, DISTRICT- KATIHAR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Fazle Karim, Adv.

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 19-07-2021 In view of sudden resurgence of COVID-19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

Heard learned counsel for the petitioner and the learned APP for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in Purnea Sadar P.S. Case No.332 of 2020 registered under Sections 395, 397, 412 of the Indian Penal Code and 27 of the Arms Act.

15 persons have allegedly indiscriminately fired upon the informant and his family members, broke into the house and thereafter they have taken seven lacs rupees cash, jewelery and



some mobile phone from the house.

It is submitted by the petitioner's counsel that the prosecution case is palpably false. There is allegation that the miscreants were saying that they have been paid fifty lacs for killing three brothers. However, there is no injury report to support any assault, let alone killing of any of the inmates of the house. From the petitioner there is alleged recovery of fifty thousand cash and motorcycle. Investigation however does not show that the same is part of the looted articles from the informant's house. Based on confessional statement of co-accused and own confessional statement, having no criminal antecedent. Petitioner is in custody since 16.09.2020.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed. 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 Purnea Sadar P.S. Case No.332 of 2020, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to



how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

Prakash Narayan /-

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