

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8932 of 2021

Arising Out of PS. Case No.-101 Year-2020 Thana- MOUZA HIDPUR District- Bhagalpur

MD. IMRAM @ MURGA SON OF MD. WASI R/O VILLAGE-
HABIBPUR, P.S.- HABIBPUR, DIST.- BHAGALPUR

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. Matlub Rab, APP.

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 01-07-2021

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 Mojahidpur PS Case No. 101 of 2020 registered under Sections 341, 323, 379, 385, 307, 506/34 of the IPC and Section 27 of the Arms Act.

Petitioner along with two other persons on a motorcycle have allegedly chased the informant, caught hold of him and assaulted him with the butt of the fire arm. Thereafter it is alleged that several rounds of firing have been resorted to by the accused persons.

On such allegation, learned Counsel for the petitioner submits that the petitioner has been now in custody since 12.9.2020. It is submitted that though there is allegation of several round firing being resorted to by the petitioner, there is no fire arm injury to the



informant or any other person. One injury report showing a simple injury has been brought on record. It is further submitted that there was a free fight between the parties and in that respect an FIR has been lodged from the side of the accused persons in the instant case which is at Annexure 2 of the bail application. The petitioner is accused in one case from before in which he is on bail. The allegation in the FIR are general and omnibus and no specific overt act has been alleged against the petitioner. Learned Counsel also submits that in various paragraph of the case diary, which have been taken note of in the order of rejection, to the effect that statement of mother, father and brother of the informant has been recorded and not of any independent witness.

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 CJM Bhagalpur in Mojahidpur PS Case No. 101 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)

SNkumar/-

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

