

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.10674 of 2021**

Arising Out of PS. Case No.-102 Year-2020 Thana- SONBERSA District- Saharsa

Firdosh @ Md. Firdos Alam Son of Anjar Resident of Village - Sirarahi, P.S.-
Sonbarsa Raj, District – Saharsa. Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate

For the Informant : Mr. Suraj Kumar, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 21-05-2021 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, learned counsel for the informant and learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Sonbarsa Raj P.S. Case No. 102 of 2020 registered for the offences punishable under Sections 341, 323, 307, 504, 34 of the Indian Penal Code and Section 27 of the Arms Act in which subsequently Section 302 of the Indian Penal Code has been added.

Learned counsel for the petitioner has taken this Court through the contents of the First Information Report from which it is submitted that the specific allegation of firing the fatal shot upon the deceased is against the co-accused Shahjahan @ Sajjo. Learned counsel further submits that so far as this petitioner is concerned, he has passed out his Bachelor of Engineering examination from Rajiv



Gandhi Proudhyogik Vishwa Vidyalaya, Bhopal, a copy of provisional degree certificate has been placed as Annexure '2' to the present application. It is his submission that in the First Information Report with the aid of Section 149 I.P.C. this petitioner has been made accused as a member of the unlawful assembly, it is however, submitted that no overt act has been alleged against the petitioner. The petitioner has otherwise no criminal antecedent.

On the other hand, learned counsel for the informant as well as learned A.P.P. for the State have opposed the prayer for bail of the petitioner. Learned counsel for the informant submits that this petitioner is one of the named accused in the F.I.R., therefore he does not deserve privilege of bail.

Having regard to the facts and circumstances of the case, wherein from the materials placed before this Court, it appears that in the F.I.R. the specific allegation of firing the fatal shot upon the deceased is against co-accused Shahjahan @ Sajjo, this petitioner though named in the F.I.R. but no overt act has been alleged against him, the petitioner is said to be an engineering graduate and is preparing for competitive examination, he has remained in jail since 14.07.2020, investigation against him is complete and it is not the submission on behalf of the State that release of the petitioner at this stage 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 of bail bond of Rs. 25,000/- (Rupees



Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Shri R. Kumar, VI, Judicial Magistrate-1st Class, Saharsa in connection with Sonbarsa Raj P.S. Case No. 102 of 2020 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 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.

(Rajeev Ranjan Prasad, J)

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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'.

