

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8912 of 2022

Arising Out of PS. Case No.-394 Year-2021 Thana- SAUR BAZAR District- Saharsa

MD ASLAM Son of Md. Safique Resident of Village - Baijnathpur, P.s.- Sour
Bazar, O.P.- Baijnathpur, Distt.- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar Sinha, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 26-07-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for
the offence under Sections 447, 324, 307, 120(B) and
302/34 of the Indian Penal Code.

The son of the informant is said to have been shot
dead by the two accused persons including the petitioner.

Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and has falsely been implicated in this case. He
further submits that it appears from the F.I.R. the allegation
of firing is attributed to the co-accused, Shamsheer Alam, who
allegedly shot fire upon the son of the informant. He further



submits that there is general and omnibus allegation against the petitioner and no specific allegation of assault is attributed to him. He further submits that according to the postmortem report, the doctor has found only one injury on the head of the deceased and cause of death is injury to vital organ brain leads to firearm injury inflicted by the co-accused, Shamsher Alam. The petitioner is rotting in judicial custody since 06.08.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Sour Bazar P.S. Case No. 394 of 2021 with 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 canceled



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.

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.

(Rajesh Kumar Verma, J)

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