

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8731 of 2022

Arising Out of PS. Case No.-193 Year-2021 Thana- MOUZAHDIPUR District- Bhagalpur

Md Shahzada @ Shahzad @ Badshah, Son Of Late Md. Akbar, Resident Of
Bandhu Modi Lane, Police Station- Babarganj, District- Bhagalpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr. Praveen Kumar, Advocate
For the Opposite Party/s :	Mr. Nitya Nand Tiwary, APP
For the Informant :	Mr. Amresh Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 17-05-2022 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by office within two weeks
after start of normal functioning of the Court.

Heard learned counsel for the petitioner, learned counsel
for the informant and Mr. Nitya Nand Tiwary, learned APP for the
State.

Petitioner in the present case is seeking regular bail in
connection with Mojahidpur (Babarganj) P.S. Case No. 193 of
2021 (Sessions Trial No. 658 of 2021) registered for the offences
punishable under Sections 302, 120(B) of the Indian Penal Code
and under Section 27 of the Arms Act. He is in custody since
20.07.2021. The petitioner has got two criminal antecedents
which arise out of the same occurrence and he is on bail in both
the cases.

Learned counsel for the petitioner submits that as per



the prosecution story, the only person who was having firearm in his hand was Md. Inteshar and the specific overt act of firing which hit the daughter of the informant has been alleged against Md. Inteshar.

Learned counsel submits that the petitioner has been falsely implicated in this case, he is in custody since 20.07.2021 and investigation against him is complete, thus, his further incarceration is neither likely to help the investigation nor the prosecution.

Learned counsel for the informant has opposed the prayer for regular bail of the petitioner. In course of argument, however, the emphasis of learned counsel is on his submission that this petitioner was also one amongst the other accused who were abusing the informant. It is not disputed that in the FIR, the allegation of having the arms and firing from that is only against co-accused Md. Inteshar.

Learned APP for the State has endorsed the submission of learned counsel for the informant.

Having regard to the submissions noted hereinabove particularly that there is no allegation of commission of overt act against the petitioner, he is in custody for more than 10 months and investigation against him is complete, in the two cases which arise out of the same transaction, he is said to be on bail and his



presence may also be secured in course of trial and further that there is no submission that release of the petitioner on bail is likely to result in interfering with the course of trial, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge V, Bhagalpur, in connection with Mojahidpur (Babarganj) P.S. Case No. 193 of 2021(Sessions Trial No. 658 of 2021), subject to the condition as laid down under Section 437 (3) Cr.P.C.

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 steps 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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

vats/-

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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'.

