

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9706 of 2022

Arising Out of PS. Case No.-585 Year-2021 Thana- SAHARSA SADAR District- Saharsa

MD. SHAH ALAM Son of Md. Allauddin Resident of Village- Patuaha, Ward
No. 06, Tola Bherdhari, P.S. and District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 05-07-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Saharsa
P.S. Case No. 585/2021 registered for the offences punishable
under Sections 302/34 of the Indian Penal Code.

As per prosecution case, the informant stated that her
sister was tortured and assaulted by co-accused, Md. Gufran. On
23.07.2021, the informant and parents were rushed place of
occurrence and co-accused, Md. Gufran went in hiding.
Thereafter, the informant alongwith his parents were returning
home and on way co-accused, Md. Gufran and others
surrounded them and started assaulting the father of the
informant by holding neck. The informant came to save then he



was assaulted. In the meanwhile, co-accused, Md. Shah Alam came and gave order to kill the informant. Thereafter, the informant raised alarm due to which the accused persons fled away. The informant further alleged that his father was brought to the hospital where the doctor declared dead.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. The petitioner is languishing in custody since 15.09.2021 and bears criminal antecedent of one case in which he is on bail. He further submits that as per FIR, there is no specific allegation of overt act attributed against the petitioner except he had threatened to kill the informant. From perusal of the FIR, it appears that allegation of committing the alleged occurrence is specifically alleged against co-accused Md. Gufran and others. Co-accused, Md. Gufran has already been granted bail by co-ordinate Bench of this Court vide Cr. Misc. No.2677/2022. The petitioner has no concern either with the informant or with co-accused Md. Gufran in any manner. Charge sheet has been submitted in this case and there is no likelihood of tampering the prosecution evidence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.



Considering the facts and circumstances of the case, period of custody, charge sheet has already been submitted and co-accused has already been granted bail by the co-ordinate Bench of this Court and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa in connection with, Saharsa P.S. Case No. 585/2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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