

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13763 of 2022

Arising Out of PS. Case No.-56 Year-2021 Thana- KHODAWANDPUR District- Begusarai

MD. AFROZ, S/o Md. Wasil Sah R/o village- Yogidih, Ward No. 13, P.S.-
Khodawandpur, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arjun Prasad

For the Opposite Party/s : Mr. Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 13-07-2022 Heard Mr. Arjun Prasad, learned counsel for the

petitioner and learned APP for the State.

The petitioner seeks bail in connection with

Khodawandpur P.S. Case No 56 of 2021, registered for the

offences punishable under Sections 341, 323, 307 and 504

of I.P.C.

As per allegation, the petitioner had opened fire on

the informant when he was working. Furthermore, the

petitioner has been apprehended on the spot with a pistol

and three live cartridges.

The learned counsel for the petitioner submits that

the petitioner is innocent and has falsely been implicated in



this case. He further submits that ingredients of Section 307 is not applicable to the alleged facts and circumstances. As per FIR itself, there was miss-firing, which clearly shows that there was no intention on the part of the petitioner to hurt the informant. He further submits that there was no firing at all and false allegation has been levelled by the informant. He also submits that the petitioner is a labourer working under the informant and when he demanded his wages, the informant intentionally dragged him in this false case.

The petitioner is in custody since 15.04.2021.

It is also stated in paragraph no. 2 of the petition that the petitioner has never moved before this Court for grant of Anticipatory Bail or Regular Bail

It has further been stated that the petitioner has been made accused in one case, namely, Khodawandpur P.S. Case No. 55 of 2021.

However, the learned APP for the State has opposed the prayer for bail.

Considering the facts and circumstances, the petitioner, above-named, is directed to be released on bail



on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge- VII, Begusarai in connection with Khodawandpur P.S Case No. 56 of 2021 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner 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.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting



satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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