

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17910 of 2022

Arising Out of PS. Case No.-103 Year-2020 Thana- BIBHUTIPUR District- Samastipur

Md. Usman @ Usman Miya Son of Late Maulbi Miya Resident of village -
Madhopur, Ward No.- 9, P.S.- Bibhutipur, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-09-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 307, 447, 34 of the Indian
Penal Code and Section 27 of the Arms Act.

According to prosecution case, it is stated that the six
named accused persons including this petitioner herein came
variously armed and started to abuse the informant and others.
Yogendra Rai @ Bhukhal Rai fired on the informant, Dinesh
Rai and the Siya Ram Rai fired on Arun Kumar Jhan and three
other accused persons and Sonu Kmar fired on the Gaurav
Kumar and Mina Devi and they sustained grievous injury.

Learned counsel for the petitioner submits that



petitioner is innocent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against the accused persons including the petitioner. He further submits that there is admitted land disputes between the parties. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused persons, namely, Anmol Rai, Dinesh Rai, Siya Ram Rai and Sonu Kumar @ Sonu Kumar Rai have been granted bail by a different co-ordinate Benches of this Court vide orders dated 24.11.2021 and 20.09.2021 passed in Cr. Misc. No. 52817 of 2021 and Cr. Misc. No. 8325 of 2021. The petitioner is in custody since 11.09.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Court below where the case is pending in connection with Bibhutipur



P.S. Case No. 103 of 2020, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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)

Mdrashid/
Vanisha

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