

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22529 of 2022

Arising Out of PS. Case No.-22 Year-2022 Thana- CHAUTHAM District- Khagaria

Md. Samshad Son of Sattar Resident of Village - Dhutauli , P.s.- Choutham,
Distt.- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar, Adv.

For the Opposite Party/s : Mr. Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

4 05-09-2022 Let the defect, if any, be removed within two weeks
from today.

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

The petitioner seeks regular bail in connection with
Choutham P.S. Case No. 22 of 2022 (G.R. No. 167 of 2022)
lodged under Sections 147, 148, 149, 341, 326, 307 and 504 of
the I.P.C. read with Section 27 of the Arms Act.

As per the information lodged by the informant on
07:00 PM of 21.01.2022, the informant and his son were
returning from the Court. Upon natural call, the informant
stopped. His son was standing in front of him. Then all of a
sudden, 6 named accused persons have reached there and upon
the instruction of accused, namely, Sattar, the present petitioner

has fired on the son of the informant that is victim in the present case who suffered injury in the back. For this occurrence, the F.I.R. has been lodged. Learned counsel for the petitioner submits that the entire case is false and not correct. He submits that there is inimical relation between the informant and the petitioner's side. Vide Annexure-3, a criminal case that is Choutham P.S Case No. 239 of 2021 has been filed by the accused side upon the victim which is still pending. Learned counsel for the petitioner submits that the present case is a false case filed with a view to create pressure. On the ground that the injury report is Annexure-2 by which it is transpires that the victim Amjad has suffered wound on the side of the chest and not on the back. He further submits that by way of supplementary affidavit, he has produced the evidence of PW-1 in which he has stated that he has not seen to his father as it was deep fog.

Learned counsel for the petitioner further submits that the petitioner is in custody since 22.01.2022 having clean antecedent, charge has already been framed and evidence has stated.

Learned counsel for the State opposes the prayer for

bail and submits that strong conditions may be imposed upon the petitioner so that they shall support in trial.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of learned Alka Rai, Judicial Magistrate-1st Class, Khagaria in connection with Choutham P.S. Case No. 22 of 2022 (G.R. No. 167 of 2022), subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall resulted into cancellation of his bail bond.

B. One of the bailor shall be close relative who shall file affidavit before the court about his relation with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of

this condition shall be resulted into cancellation of his present
bail bond.

With this observation, the bail application stands
allowed.

(Dr. Anshuman, J)

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