

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24324 of 2022

Arising Out of PS. Case No.-144 Year-2021 Thana- SAHEBPUR KAMAL District-
Begusarai

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MD. AKBAR Son of Late Md. Asgar @ Asgar @ Md. Asgar Resident of
Village - Chhoti Ballia, Satichaura, Ward No. 15, P.S. Ballia, District -
Begusarai.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam
For the Opposite Party/s : Mr. Dinesh Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-08-2022 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 393, 397, 307, 34 of the
Indian Penal Code and Section 27 of the Arms Act.

According to prosecution case, in short is that one
Kundan Kumar Singh has given his fardbeyan on 30.06.2021
alleging therein that the date of occurrence is on 29.06.2021
when he alongwith his uncle Arun Singh was returning on
motorcycle from the village Dhabauli to his village after
participating fists on the ceremony of Chhatihari of one of his
relative namely Bipin Singh. The informant has stated that he



was driving the motorcycle and his uncle namely Arun Singh was sitting behind his motorcycle and when the informant and his uncle have reached near Barkhada petrol pump then all of sudden co-accused persons have come before him and due to which the informant has slow down his motorcycle then two accused persons have brought down the weapons from his waist and all the four unknown accused persons were tried to looted to the informant on the pistol point. Thereafter the informant has started to fled away by his motorcycle and the accused persons have shot fired to the informant and his uncle. When the informant has passed the some distance from the place of occurrence his uncle namely Arun Singh has stated that blood was oozing from his shoulder and he has sustained fire arm injury over his shoulder. Thereafter the informant has brought his uncle for treatment and informant has given the information to the police. The informant has further alleged that four unknown miscreants have committed the incident and due to failure in commission of crime the miscreants have shot fired to one Arun Singh who is happens to be uncle of the informant.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case only on the basis of suspicion. He further submits



that petitioner is not named in the F.I.R. and in fact the petitioner has been arrested in Sahebpur Kamal P.S. Case No. 145 of 2021 and he has confessed about his involvement in the present case including other co-accused persons. He further submits that out of four accused persons Md. Akbar and Md. Tanbir @ Chunna has fired upon the uncle of the informant. He further submits that co-accused Md. Tanveer who also fired upon the informant has been granted bail by a co-ordinate Bench of this Court vide order dated 09.05.2022 passed in Cr. Misc. No. 67127 of 2021. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 19.07.2021.

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 Sahebpur Kamal P.S. Case No. 144 of 2021, 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)

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