

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.28675 of 2022**

Arising Out of PS. Case No.-113 Year-2022 Thana- BAHERA District- Darbhanga

MD. SHAHBAZ HASAN Son of Md. Ekramul Haque @ Md. Anamul Haque  
Residence of Vill.-Kajiyana Sekh Toli, Ward No.- 7, P.S.- Bahera, Dist.-  
Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Kedar Jha, Adv.

For the Opposite Party/s : Mr. A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

3      20-09-2022                      Heard learned counsel for the petitioner and the  
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the  
offence under Sections 413, 44 and 34 of the Indian Penal Code  
and Section 25(1-b)a, 26 and 35 of the Arms Act.

According to the prosecution, the petitioner and other  
co-accused shot fire upon the informant but somehow the  
informant managed to save his life, thereafter the informant is  
assaulted by the petitioner and others by the butt of the pistol  
and on the intervention of police party the informant is rescued.

Learned counsel appearing for the petitioner submits  
that the petitioner, who is of clean antecedent, is innocent and  
has falsely been implicated in this case. He further submits that  
according to the F.I.R., there is no specific allegation or any



commission of overt act is attributed to the petitioner. In fact, no arms has been recovered from the conscious possession of the petitioner rather the arms as alleged in the F.I.R. is recovered from the possession of the co-accused, Raman Sah, who has already been granted bail by the court below itself vide order dated 08.06.2022 passed in Bail Petition No. 120 of 2022, a copy of which is annexed as Annexure-4 to the supplementary affidavit. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 20.03.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Court below where the case is pending in connection with Bahera P.S. Case No. 113 of 2022 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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