

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23311 of 2022

Arising Out of PS. Case No.-170 Year-2020 Thana- MOUZAHDIPUR District- Bhagalpur

Md. Aftab @ Md. Aftab Alam S/o Nijarul Hasan @ Md. Chand R/o village-
Moajjamchak, P.S.- Habibpur, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 15962 of 2022

Arising Out of PS. Case No.-170 Year-2020 Thana- MOUZAHDIPUR District- Bhagalpur

Md Rahmat Quraishi @ Rahmat Quraishi Son of Yasin Kuraishi Resident of
Mohalla- Maulanachak, Police Station- Mojahidpur, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 29735 of 2022

Arising Out of PS. Case No.-170 Year-2020 Thana- MOUZAHDIPUR District- Bhagalpur

Md Pasa Alias Badshah Alias Md Shahjahan son of md. Jahangir @ Jahangir
Resident of Mohalla-Maulanachak, Police Station-Mojahidpur, District-
Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 23311 of 2022)

For the Petitioner/s : Mrs. Soni Shrivastava, Advocate

: Mr. Ravi Bhardwaj, Advocate

For the Opposite Party/s : Mr.Mukeshwar Dayal, APP

(In CRIMINAL MISCELLANEOUS No. 15962 of 2022)

For the Petitioner/s : Md. Najmul Hodda, Advocate

For the Opposite Party/s : Mr.Nagendra Prasad, APP

(In CRIMINAL MISCELLANEOUS No. 29735 of 2022)

For the Petitioner/s : Mr.Ajay Mukherjee, Advocate

For the Opposite Party/s : Mr.Umesh Lal Verma, APP



CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 07-12-2022

(In Cr. Misc. No. 23311 of 2022)

Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Mojahidpur P.S. Case No. 170 of 2020 registered for the offence under Section 342/307/504/34 of the Indian Penal Code and under Section 27 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in custody since 02.11.2021.

The allegation against the petitioner is to fire upon informant causing firearm injuries on vital parts of the body, as informant opposes illegal activities of the petitioner.

Learned counsel appearing on behalf of the petitioner submitted that petitioner was falsely implicated due to local dispute and differences. It is further submitted that injury report nowhere suggests that the injuries, as alleged appears to be caused by firearms, as per para 98 of the case diary. It is also submitted that as per para 24 of the case diary, residuals of bombs were found at the place of occurrence, clearly suggesting



thereof, that the injuries received is due to bomb explosions and as such entire allegation is appearing false, particularly under the circumstances, when except informant, no one is eye witness of the occurrence. It is also submitted that petitioner involved in 7 more criminal cases, where he already acquitted in 2 cases, whereas, in rest of the 5 cases, he is on bail. While concluding the argument, it has been submitted that investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail submitted that allegation appears specific against the petitioner as per F.I.R..

Considering the facts and circumstances as mentioned above, as injury report not suggesting on its face that same was caused by firearms coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Mojahidpur P.S. Case No. 170 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 8th, Bhagalpur/concerned Court, subject to the conditions as mentioned:

“(i) That accused/petitioner shall cooperate in the trial and shall be



physically present on each and every date before the learned Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the learned Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(ii) That one of the bailors shall be deponent of the present bail petition.”

(In Cr. Misc. No. 15962 of 2022)

Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Mojahidpur P.S. Case No. 170 of 2020 registered for the offence under Section 341/342/307/504/34 of the Indian Penal Code, Section 27 of the Arms Act and 4 and 5 of Explosive Substance Act.

The accused/petitioner is named in the F.I.R. and is in custody since 02.09.2021.



The allegation against the petitioner is to fire upon informant causing firearm injuries on vital parts of the body, as informant opposes illegal activities of the petitioner.

Learned counsel appearing on behalf of the petitioner submitted that petitioner was falsely implicated due to local dispute and differences. It is further submitted that injury report nowhere suggests that injuries, as alleged appears to be caused by firearms, as per para 98 of the case diary. It is also submitted that as per para 24 of the case diary, residuals of bombs, were found at the place of occurrence, clearly suggesting thereof, that the injuries received is due to bomb explosions and as such entire allegation is appearing false, particularly under the circumstances, when except informant, no one is eye witness of the occurrence. It is also submitted that petitioner involved in 12 more criminal cases, where he is on bail. While concluding the argument, it has been submitted that investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail submitted that allegation appears specific against the petitioner as per F.I.R..

Considering the facts and circumstances as mentioned



above, as injury report not suggesting on its face that same was caused by firearms coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Mojahidpur P.S. Case No. 170 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 8th , Bhagalpur/concerned Court, subject to the conditions as mentioned:

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

“(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the learned Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the learned Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(iii) That one of the bailors



shall be deponent of the present bail petition.”

(In Cr. Misc. No. 29735 of 2022)

Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Mojahidpur P.S. Case No. 170 of 2020 registered for the offence under Section 341/342/307/504/34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in custody since 03.12.2021.

The allegation against the petitioner is to fire upon informant causing firearm injuries on vital parts of the body, as informant opposes illegal activities of the petitioner.

Learned counsel appearing on behalf of the petitioner submitted that petitioner was falsely implicated, as title suit is pending between the parties. It is further submitted that injury report nowhere suggests that injuries , as alleged appears to be caused by firearms, as per para 98 of the case diary. It is also submitted that as per para 24 of the case diary, residuals of



bombs were found at the place of occurrence, clearly suggesting thereof, that the injuries received is due to bomb explosions and as such entire allegation is appearing false, particularly under the circumstances, when except informant, no one is eye witness of the occurrence. It is also submitted that petitioner involved in 8 more criminal cases, where he is on bail. While concluding the argument, it has been submitted that investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail submitted that allegation appears specific against the petitioner as per F.I.R..

Considering the facts and circumstances as mentioned above, as injury report not suggesting on its face that same was caused by firearms coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Mojahidpur P.S. Case No. 170 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Bhagalpur/concerned Court, subject to the conditions as mentioned:

“(i) That accused/petitioner
shall cooperate in the trial and shall be



physically present on each and every date before the learned Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the learned Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(ii) That one of the bailors shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

Archana/-

U		T	
---	--	---	--

