

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42922 of 2021

Arising Out of PS. Case No.-63 Year-2020 Thana- PIRBAHOR District- Patna

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KAMRU @ KAMRUDDIN @ KAMRU MIAN Son of Late Md. Sadik @
Siddiqui Resident of House No. 170/13, Ganja Gali, Lalbagh, P.S. Pirbahore,
District - Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Md. Anisur Rahman, Advocate.

For the Opposite Party/s : Mr.Manoj Kumar, APP.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 04-02-2022 Heard the parties through video conferencing.

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

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner, who is in custody since 06.02.2021,
seeks regular bail in connection with Pirbahore P.S. Case No. 63
of 2020 for the offence punishable under Sections 188, 147,
148, 149, 341, 323, 307, 379, 427 and 353 of the Indian Penal
Code, Section 27 of the Arms Act and Sections 3 and 4 of the
Explosive Substance Act.

Allegation is that the F.I.R. named accused persons
along with 600-700 unknown persons exploded bombs upon



procession and also pelted bricks and stones upon the procession, as a result of which, many people became seriously injured.

It has been submitted on behalf of the petitioner that the petitioner is innocent and has committed no offence as alleged. The allegation levelled against the petitioner is general and omnibus. There is no allegation of firing or explosion of bomb, as such no case under any Section of IPC, Section 27 of the Arms Act and Sections 3 and 4 of the Explosive Substance Act is made out. No specific overt act is alleged against the petitioner. There is no allegation of tampering the evidence or influencing the witnesses against the petitioner. The petitioner has clean antecedent and is in custody since 06.02.2021. He further submits that similarly situated co-accused namely Shahab Raja, Md. Neyaz, Md. Shamsheer, Md. Sahab Alam have been granted anticipatory bail by different co-ordinate Benches of this Court vide orders dated 13.12.2021 and 08.07.2021 passed in Cr. Misc. Nos. 380 of 2021 and 1368 of 2021 respectively.

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

Considering the aforementioned facts and circumstances of the case, period of custody of the petitioner as



under trial prisoner, there is no allegation of tampering with the evidence or influencing the witnesses and similarly situated co-accused have been granted anticipatory bail, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Patna in connection with Pirbahore P.S. Case No. 63 of 2020, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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