

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33475 of 2022

Arising Out of PS. Case No.-298 Year-2021 Thana- BALIYA District- Begusarai

Md. Izhar Son Of Md. Jainul Resident Of Village- Chhoti Ballia Masurchak,
P.S.- Ballia, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arjun Prasad, Advocate

For the Opposite Party/s : Mr. Bal Mukund Prasad Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-09-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 393, 307, 504 and 506/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, in brief, is that unknown miscreants fired upon the informant which injured the left thigh of the informant. The miscreants, however, failed to snatch any article from the informant.

Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the



present case. He further submits that in fact the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired on the basis of confessional statement of co-accused namely Sunil Kumar Paswan. He further submits that nothing incriminating article has been recovered from the possession of the petitioner and till date no test identification parade was conducted by the prosecution. He further submits that allegation of firing is not specific against the petitioner and hence Section 307 of the Indian Penal Code is not attracted against the petitioner. He further submits that co-accused Sunil Kumar Paswan @ Sunil Kumar has been granted bail by a Coordinate Bench of this Court vide order dated 14.06.2022 in Cr. Misc. No. 13354 of 2022 and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 17.03.2021.

Learned APP for the State has opposed the prayer for bail of the petitioner on the ground that the petitioner carries two more cases other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees 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 Ballia
P.S. Case No. 298 of 2021, 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 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 witness, 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 antecedents, 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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