

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45176 of 2021

Arising Out of PS. Case No.-145 Year-2020 Thana- CHANDRADIP District- Jamui

Md. Asad Quayam Son of Md. Naushad Quayam Resident of Village -
Chandradeep, Post Office - Chandradeep, P.S.- Chandradeep, District - Jamui.
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Arun Kumar
For the State	:	Mr. Satyendra Narayan Singh, APP
For the Informant	:	Mr. Shadab Akhter

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

7 21-06-2022 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
Chandradeep P.S. Case No. 145 of 2020 registered for the
offence under Sections 341, 342, 307, 504, 506, 120B and 34 of
the Indian Penal Code and Section 27 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 12.02.2021.

The allegation against the petitioner is to cause fire
arm injury to the injured/informant with intention to cause
death.

Learned counsel appearing on behalf of the petitioner
submitted that the implication is false for the reason that



previous land dispute is pending between the parties. It has further been submitted that the element of intention is absent in the alleged assault of firing for the reason that the firing by the petitioner is not repeated without having any intervening circumstances, knowing the fact that injured is alive. It has also been submitted that nothing incriminating has been recovered from the place of occurrence, which also negate the allegations. While concluding the argument, it has further been submitted that petitioner is a man of clean antecedent and chargesheet has already been submitted in this case, as such there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State duly assisted by learned counsel appearing on behalf of the informant while opposing the prayer for bail submitted that there is specific allegation against the petitioner to cause fire arm injury.

Considering the facts and circumstances as mentioned above and considering the period of custody coupled with the fact that chargesheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Chandradeep P.S. Case No. 145 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 Additional Chief Judicial Magistrate- 1st Class, Jamui,
subject to the following conditions:

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

(ii) That one of the bailors shall be
Md. Ahmad Hussain, who is the maternal
uncle of the petitioner and deponent of the
present bail petition.”

(Chandra Shekhar Jha, J)

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