

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45909 of 2021

Arising Out of PS. Case No.-452 Year-2012 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

MD. AATIF @ SYED AATIF WASFI @ SYED WASFI Son of Syed
Zulfaquar @ Syed Zulfaquar Wasfi @ Tamanne Resident of Mohalla- New
Colony, Dharampur, Ward No. -9, P.S.- Samastipur Town, District-
Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhay Shankar Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 15-02-2022 The matter has been listed today for consideration
through virtual mode.

Heard learned counsel appearing on behalf of the
petitioner as well as learned Additional Public Prosecutor
appearing for the State.

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

Petitioner who is in custody since 08.03.2021 seeks
regular bail in connection with Samastipur Muffasil P.S. Case
No.452 of 2012 registered for the offence punishable under
Sections 324,307,504,506/34 of the IPC and Section 27 of the
Arms Act.



Prosecution case in brief, the informant while painting the room in the torchlight due to lack of electricity in the area. Suddenly she heard sound of fire shot which went through the panel of window and touched the stomach of the father of the informant. The another pistol shot hit the ring figure of the informant and out of fear the informant started shouting. On hearing the sound of shouting, all the miscreants fled away. The accusation against the petitioner is that he supplied weapon to the accused persons named in the FIR.

Learned counsel appearing on behalf of the petitioner submits there is direct allegation against one co-accused Md. Chand and Md. Asif who have fired assaulted with the gun shot on the informant which has cause gun shot injury in the stomach of the father of the informant has already been released on bail vide order dated 31.07.2013 passed in Cr. Misc. No.27236/2013 and order dated 04.10.2013 passed in Cr. Misc. No.37837/2013 respectively. Learned counsel appearing on behalf of the petitioner further submits that because several cases are pending against him cannot be a ground for rejection of his prayer for bail, so far as the accusation made in the FIR in the present case is concerned, it has been alleged that he is the supplier of the arms and there is no allegation of any assault committed by him



in the present FIR.

Learned APP for the State, however, opposes the prayer for grant of bail to the petitioner and further submits that petitioner is a history sheeter and he has been made accused in several cases.

Considering the above-mentioned facts and circumstances of the case as well as serious allegation against the petitioner as well as petitioner being history sheeter, I am not inclined to release the petitioner on bail at this stage.

However, learned lower court is directed to conclude the trial expeditiously well within a period of one year. If no substantial progress take place in the trial the petitioner, if so advised, may renew his prayer for bail.

(Purnendu Singh, J)

Prakash Narayan /-

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