

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39779 of 2022

Arising Out of PS. Case No.-9 Year-2022 Thana- BEERPUR District- Begusarai

Md. Khurshid Son of Md. Shabir Resident of Village - Karichak, P.s.- Birpur,
District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gaurav Kumar, Advocate
	:	Mr. Kumari Archana, Advocate
For the State	:	Mr. Anil Kumar Singh No.1, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 03-11-2022 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 Birpur
P.S. Case No. 9 of 2022 registered for the offence under
Sections 341, 324 and 307 of the Indian Penal Code and later on
Sections 25(1-b)a and 26 of the Arms Act were added
subsequently.

The accused/petitioner is named in the F.I.R. and is in
custody since 31.01.2022.

The allegation against the petitioner is to fire upon the
informant and also assault with knife causing multiple injuries,
having intention to cause death.

Learned counsel appearing on behalf of the petitioner



submitted that the occurrence took place in a spur of moment, as petitioner witnesses her wife in compromising position with the informant. It is submitted that the occurrence is the result of grave and sudden provocation. It is further pointed out that despite of facility of primary health centre in close vicinity, petitioner admitted himself in one private hospital and obtained manufactured injury report to make the allegations more serious and aggravated. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State opposes the prayer of bail.

In view of the facts and circumstances, as mentioned above, and also by considering the nature of accusation, where petitioner is in custody since 31.01.2022 coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Birpur P.S. Case No. 9 of 2022 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-VI, Begusarai/concerned Court, subject to
the following conditions:

“(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
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.

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

(Chandra Shekhar Jha, J)

Ankit/-

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