

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39437 of 2022

Arising Out of PS. Case No.-5 Year-2022 Thana- PRANPUR District- Katihar

Md. Jahabaj, S/O Md. Harun Rashid @ Shashtri @ Harun Rashid R/O
Village- Teliyabad, Ward No. 11, P.S.- Pranpur, District- Katihar

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 40986 of 2022

Arising Out of PS. Case No.-5 Year-2022 Thana- PRANPUR District- Katihar

1. Md. Sarfaraz Alam, S/O Md. Harun Rashid @ Shashtri @ Harun Rashid R/O Village- Teliyabad, Ward No. 11, P.S.- Pranpur, District- Katihar
2. Md. Saddam, S/O Md. Harun Rashid @ Shashtri @ Harun Rashid R/O Village- Teliyabad, Ward No. 11, P.S.- Pranpur, District- Katihar
3. Md. Abdul Rashid, S/O Late Haji Abdul Rahim R/O Village- Teliyabad, Ward No. 11, P.S.- Pranpur, District- Katihar

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 39437 of 2022)

For the Petitioner/s : Mr. Bimal Kumar

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh

(In CRIMINAL MISCELLANEOUS No. 40986 of 2022)

For the Petitioner/s : Mr. Bimal Kumar

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 07-12-2022

CRIMINAL MISCELLANEOUS No.39437 of 2022

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

The petitioner seeks bail in anticipation of his arrest in a



case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 120(B), 504, 506 of the Indian Penal Code and Section 27 of the Arms Act.

The learned counsel for the petitioner submits that the petitioner has antecedent of one case and the informant alleges that petitioner along with Md. Manjar Alam shot causing injury to Md. Julfakar below his waist and thereafter, it is alleged that the other named accused persons also assaulted as detailed in the F.I.R.

The learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. It is next submitted that no doubt, one injury has been caused to Md. Julfakar on account of gunshot injury, but then it was not the petitioner, who had fired and he has been falsely implicated in the present case. It is next submitted that the wife of the informant had instituted Pranpur P. S. Case No.191 of 2021 against the petitioner giving rise to G.R. Case No.5066 of 2021 in which the petitioner was granted bail by the learned A.C.J.M. 1st, Katihar on 05.01.2022. It is next submitted that since the petitioner was granted bail on 05.01.2022 and on the same date, he had furnished the bail bonds, as such, it is not humanly possible for the petitioner to reach the place of occurrence and commit the occurrence at 6.00 P.M. when the alleged place of occurrence from Katihar is about 70 kilometer.

Learned A.P.P. opposes the bail application and submits that it is a plea of alibi.



The learned counsel for the petitioner rebuts the submission of the learned Additional P.P. and submits that the petitioner will not evade the law rather will cooperate in the investigation and will present himself as and when required by the Investigating Officer of the case.

Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Pranpur P. S. Case No.05 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

However, in the event, if the Investigating Officer of the case files an application before the learned trial Court bringing to its notice that the petitioner despite giving assurance to this Court is not cooperating in the investigation or has not presented himself when called by the Investigating Officer, the learned trial Court after giving an opportunity of hearing to the petitioner shall pass order in accordance with law and shall also have the liberty to cancel the bail bonds of the petitioner. Further, if the Investigating Officer after investigation submits charge-sheet and the learned trial Court comes



to a conclusion that petitioner is trying to delay the trial in any manner, then also the learned trial Court shall have the liberty to cancel his bail bonds.

CRIMINAL MISCELLANEOUS No. 40986 of 2022

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

The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 120(B), 504, 506 of the Indian Penal Code and Section 27 of the Arms Act of the Indian Penal Code.

The learned counsel for the petitioners submits that the petitioner nos.1 and 2 are persons with clean antecedent and petitioner no.3 has antecedent of one case and the informant alleges that petitioners along with Md. Manjar Alam shot causing injury to Md. Julfakar below his waist and thereafter, it is alleged that the other named accused persons also assaulted as detailed in the F.I.R.

The learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case. It is next submitted that the allegation against them are general and omnibus in nature.

Learned A.P.P. opposes the bail application.

Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of



six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Pranpur P. S. Case No.05 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

vikash/-

U		T	
---	--	---	--

