

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40031 of 2022

Arising Out of PS. Case No.-699 Year-2021 Thana- KATIHAR NAGAR District- Katihar

MD. ARMAN Son of Md. Enamul Haque @ Md. Quamrul Haque Resident of
Mohalla - Laliyahi, Ward No.- 10, P.S.- Sahayak, District - Katihar, Pin -
854105.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anshuman Jaipuriyar, Advocate
For the Opposite Party/s : Mr.Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 10-10-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is in judicial custody in connection
with Sahayak P.S. Case No. 699 of 2021 for the offences under
Sections 394, 307, 353, 332, 337, 338/34 of the Indian Penal
Code and Section 27 of Arms Act.

As per the prosecution story, the police upon
patrolling, saw some people trying to escape, but were caught,
whereafter, it is alleged that they manhandled the police party
and one Rocky hit the informant with brick causing head injury.



Further allegation is that this petitioner snatched the service revolver and tried to escape after resorting to firing. Accordingly, the FIR was registered and the petitioner came into custody on 7.12.2021 (as stated in para-1 of the bail application).

Learned counsel for the petitioner submits that the petitioner do not have any criminal antecedent and in the heat of the moment, he over-reacted for which he has already suffered by being in custody since 7.12.2021. It is his further submission that charges have already been framed and the trial is on and he is ready to abide by any terms and conditions if granted the privilege of bail.

Per contra, learned APP submits that the allegation against him is of snatching the service revolver and as such he does not deserve bail.

Taking into account the fact that the petitioner is only of 19 years, has been in jail since 7.12.2021, charges have already been framed and there is no question of tampering with the evidence and further he do not have any criminal antecedent, this Court is inclined to grant him the privilege of bail subject to strict conditions so that his release on bail in no way hamper the ongoing trial.



Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-V, Katihar, in connection with Sahayak P.S. case No. 699 of 2021 vide S.T./CIS No. 171 of 2022, G.R. No. 4829 of 2021 subject to the following conditions:-

(i) one of the bailor should be the mother of the petitioner who shall provide official document to show bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for even a single date without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight till the conclusion of the trial to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty



to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

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