

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41957 of 2022

Arising Out of PS. Case No.-429 Year-2021 Thana- SHEKHPURA District- Sheikhpura

MD. REUAZ @ MD. KALLU S/o Md. Niyaz, Resident of Mohalla - Badi Dargah, ward No. 12, Police Station- Sheikhpura, District - Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bipin Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 01-11-2022 Let the defect, if any, be removed within two weeks from today.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Sheikhpura P.S. Case No. 429 of 2021 lodged under Sections 341, 323, 447, 427,337, 506, 504 and 307/34 of the Indian Penal Code read with section 27 of Arms Act.

As per the prosecution case, when informant was at his home in the mean time the named accused Kallu @ Md. Reyaz (petitioner) and two unknown co-accused visited there with pistol and started firing on the informant with intention to kill him. On hearing the noise, Md. Amjad came to rescue him and one of the firing hitted upon the lower part of waist of Md.

Amzad who fell down on the ground, who is the relative of the informant, subsequently he went to hospital where treatment is going on.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He further submits that on the alleged date and place of occurrence, two F.I.Rs. have been lodged. One F.I.R. has been lodged by the informant side against the petitioner and another F.I.R. has been lodged from the petitioner's side against the informant which is Annexure-3 of the petition. Learned counsel further submits that from the order of the sessions court it is crystal clear that there is admitted pending Civil Suit No. 17 of 2019 between the parties. He further submits that petitioner is not a criminal and his antecedent is clean. He further submits that petitioner is in custody since 11.06.2022. He further submits that there are 3 accused persons in this case, out of 3, 2 accused persons were granted bail by the Co-ordinate Bench of this Court vide order dated 23.05.2022 passed in Cr. Misc. No. 65101 of 2021.

Learned counsel for the State opposes the prayer for bail.

Learned counsel for the informant vehemently opposes the prayer for bail and submits that there is specific

allegation against the petitioner by which injury has been caused to Md. Amzad, one of the relative of the informant and this injury was grievous in nature.

Learned counsel for the petitioner answers in this regard that injuries are from both the sides and he is ready to fulfill all the conditions whatsoever shall be imposed upon him by the court.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sheikhpura in connection with Sheikhpura P.S. Case No. 429 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file an affidavit before the court about his relationship with the

petitioner.

With this observation, the bail application stands
allowed.

(Dr. Anshuman, J.)

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