

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44772 of 2022

Arising Out of PS. Case No.-831 Year-2019 Thana- SASARAM NAGAR District- Rohtas

1. RIJWAN ALAM @ RIJWAN Son of Badre Alam Resident of Mohalla- Kajipura Shahjalpeer, P.S- Sasaram (Town), Dist- Rohtas
2. Saklen Alam @ Saklen Son of Izhar Master Resident of Mohalla- Kajipura Shahjalpeer, P.S- Sasaram (Town), Dist- Rohtas

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar

For the Opposite Party/s : Mr.Pushpa Sinha

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 05-12-2022 Let the defect(s), as pointed out by the office,

be removed within a period of four weeks from today.

Heard learned counsel for the petitioners and

learned A.P.P. for the State.

Learned counsel for the petitioners permitted to

make necessary correction in para 3 of the bail petition.

The petitioners seek bail in connection with

Sasaram (Town) P.S. Case No. 831 of 2019 registered for

the offences punishable under Sections 302, 342, 120(B),

147, 148, 149 of the I.P.C. and under Section 27 of the

Arms Act.

As per prosecution case, petitioners and others



surrounded the informant's father and started firing. It is further alleged that co-accused Pappu Kahar opened fire which hit the temple region of the informant's father and co-accused Aftab Alam open fired which hit the thigh of the informant's father due to which informant's father fell down on earth. It is further alleged that nearby people and family members of the informant assembled there and took informant's father to Sadar Hospital where doctor referred the victim to B.H.U. and in the way the informant's father died.

Learned counsel for the petitioners submits that petitioner no. 1 is in custody since 04.01.2022 and petitioner no. 2 is in custody since 10.01.2022. Petitioners bear one criminal antecedent which was initially lodged against unknown but subsequently petitioners' came in that case merely on suspicion, but finally they were not sent up for trial. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that as per F.I.R. specific allegation of firing is against co-accused Pappu Kahar and co-accused Aftab Alam. So far as



present petitioners are concerned, they are only the members of mob and no specific overt-act has been committed by them.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners.

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, there is no specific overt-act against the petitioners, argument advanced on behalf of the parties and also taking into consideration the material available on record, let the petitioners above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Sasaram, Rohtas in connection with Sasaram (Town) P.S. Case No. 831 of 2019, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will



remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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