

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54969 of 2021

Arising Out of PS. Case No.-37 Year-2019 Thana- KASMA District- Aurangabad

MD. SHAMIM SON OF MD SAHJAD RESIDENT OF POKHRIA, P.S-
KASMA, DIST- AURANGABAD BIHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agarwal, Sr. Advocate.
	:	Mr. Preety Kunwar, Adv.
For the Opposite Party/s	:	Mr. Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-01-2022 Heard learned senior counsel for the petitioner and learned counsel for the informant as well as learned A.P.P. for the State through video conferencing.

The petitioner seek bail in connection with Kasma P.S. Case No. 37 of 2019 registered for the offence under Sections 341, 323, 147, 148, 149, 307 and 302 of the Indian Penal Code.

In the garb of earlier dispute, the husband of the informant is subjected to indiscriminate assault by twelve accused persons by way of various deadly weapons as result of which, he sustained injuries. On the rescue being made by the other persons, they are said to have been assaulted also by the accused persons including the petitioner.



Learned senior counsel for the petitioner submits that earlier the prayer for bail of the petitioner has been rejected by a co-ordinate Bench of this Court vide order dated 04.06.2020 passed in Cr. Misc. No. 82133 of 2019 along with analogous case with an observation that the petitioner may renew his prayer for bail after nine months from the date of the order. Accordingly, the petitioner is before this Court renewing his prayer for bail.

A report with regard to present stage of the trial has been called for by this Court vide order dated 29.11.2021 which has been received and forms part of this application at Flag-B. On perusal thereof, it would reveal that all charge-sheet named non-official witnesses have been examined and the case is pending for examination of official witnesses whose names have not been cited in the charge-sheet for which summons have been issued on 29.09.2021.

Learned senior counsel appearing for the petitioner referring to the aforesaid report submits that the trial of this case is not likely to be concluded in near future. He further submits that the co-accused, namely, Md. Ishrar and Md. Basir have already been granted bail by this Court vide order dated 18.01.2022 passed in Cr. Misc. No.32939 of



2021. Apart from that several co-accused, who are five in numbers, have also been granted bail by this Court vide order dated 21.01.2022 passed Cr. Misc. No. 48146 of 2021 along with analogous cases by this Court and the case of this petitioner stands on similar footing. Hence, the petitioner, who is of clean antecedent, may be enlarged on bail as he has been languishing in judicial custody since 15.06.2019 i.e. almost two and half years

Learned counsel for the informant as well as A.P.P. for the State have, vehemently, opposed the prayer for bail of the petitioner and submit that a direction may be issued to the learned trial court to expedite the trial and try to conclude it.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-XI, Aurangabad in connection with Kasma P.S. Case No. 37 of 2019 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the



Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be canceled by the Court below.

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

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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