

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44474 of 2022

Arising Out of PS. Case No.-226 Year-2022 Thana- JAMUI District- Jamui

Md. Masum Shaikh @ Md. Masum Sekh @ Masum Saikh S/o Noor Alam
Resident of Purab Tola Patham Chowk, P.S. and District- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Abdul Wadood, Advocate
	:	Mr. Bijoy Kumar Pandey, Advocate
For the State	:	Mr. Pranav Kumar, APP
For the Informant	:	Mr. Md Irshad, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 08-12-2022 Heard learned counsel appearing on behalf of
the petitioner and learned APP appearing on behalf of the State.

The petitioner seeks bail in connection with Jamui P.S.
Case No.226 of 2022 registered for the offence under Sections
302 and 120B of the Indian Penal Code and Section 27 of the
Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 19.05.2022.

The allegation against the petitioner is to commit
murder of the son of the informant, alongwith other co-accused
person by causing fire arm injury, due to previous enmities.



Learned counsel appearing on behalf of the petitioner submitted that the name of petitioner has been falsely implicated only for the reason that his name was taken by son of the informant/deceased, while stepping out from the house that he was going to Tripurari Ghat, to meet with petitioner alongwith other named co-accused persons for compromise regarding previous occurrence. It is submitted that informant is not the eye witness of the occurrence and entire suspicion is based on previous enmities. It is also submitted that nothing surfaced during the course of investigation, except repeated statements of informant through different set of witnesses, including independent witnesses which may connect the petitioner with present set of occurrence. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel appearing on behalf of informant, while opposing the prayer of bail fairly conceded that informant is not the eye witness of the occurrence, learned counsel appearing on behalf of informant expressed his doubt as regard to the criminal antecedents of this



petitioner.

In view of the facts and circumstances as mentioned above as save and except suspicion arises out of previous enmities, where informant is not the eye witness of the occurrence, nothing incriminating appears during the investigation to connect petitioner with occurrence coupled with the fact that chargesheet has been submitted, let above named petitioner directed to be released on bail in connection with Jamui P.S. Case No.226 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jamui/concerned court, subject to the following conditions:

(i) Learned Trial Court is directed to verify the criminal antecedent of the petitioner and if he found involved in any criminal case prior to lodging this case, his bail bond shall not be accepted.

(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and



exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(iii) That one the bailors shall be deponent of the present bail petition.

(Chandra Shekhar Jha, J)

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