

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56008 of 2021

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

Md. Sabir @ Sabir, Son of Doman Miyan Resident of Pokhaha, P.S.-
Kasma, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Adv
	:	Ms.Preety Kunwar, Adv
For the Opposite Party/s :		Mr.Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 11-02-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State in virtual Court proceeding.

Learned counsel for the petitioner submits that due to inadvertently it is some typing mistake in the name of the petitioner. The name of the petitioner is Md. Sabir. In the order dated 17.08.2021 rejecting bail of the petitioner by the learned Additional Sessions Judge-XI, Aurangabad name of the petitioner mentioned is Sabir. The name of the petitioner is Md. Sabir. The accused column and the FIR also reads name of the



petitioner as Md. Sabir.

Accordingly, the name of the petitioner may be read as Md. Sabir @ Sabir.

Learned counsel for the petitioner further submits that the in the main petition in place of father's name of the petitioner is "Doman Miya" by mistake he has been typed as "Doman Miyan".

The same be read as "Doman Miya".

Learned counsel for the petitioner further submits that the in para-2 of the petition it was wrongly mentioned that the petitioner has been moved before this Court in Cr. Misc. No.82133 of 2019 but the correct is Cr. Misc. No.79402 of 2019.

The same be read as Cr. Misc. No.79402 of 2019.

Learned counsel for the petitioner further submits that in the prayer portion by mistake in place of "Kasma P.S.Case No.37 of 2019", "Kasba P.S.Case No.37 of 2019" has been typed.

The same be read as Kasma P.S.Case No.37 of 2019.

The petitioner seeks bail in connection with S.T. No. 465 of 2019/279 of 2019 arising out of 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.

Learned counsel appearing for the petitioner submits that earlier the prayer for bail of the petitioner has been rejected by a Coordinate Bench of this Hon'ble Court vide order dated 04.06.2020 in Cr. Misc. No. 79402 of 2019 with an observation that the petitioner may renew his prayer for bail after nine months from the date of orders. Accordingly, the petitioner is before this Court renewing his prayer for bail.

A report with regard to the present status of the trial has been called for by this Court vide order dated 29.11.2021 in Cr. Misc. No. 32939 of 2021, it would reveal that all chargesheet 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 chargesheet for which summons have already been issued on 29.09.2021.

Learned counsel appearing for the petitioner submits



that it appeared that the trial of this case is not likely to be concluded in near future. Hence, the petitioner may be enlarged on bail as he has been in custody since 15.06.2019. He further submits that co-accused, namely, Md. Ishrar and Md. Basir have been granted bail vide order dated 18.01.2022 in Cr. Misc. No.32939 of 2021 by this Hon'ble Court. Learned counsel for the petitioner further submits that co-accused, namely, Md. Mazid has been granted bail in Cr. Misc. No.48146 of 2021, co-accused, namely, Md. Rashid has been granted bail in Cr. Misc. No.49555 of 2021, co-accused, namely, Md. Javed @ Md. Jawid has been granted bail in Cr. Misc. No.51493 of 2021, co-accused, namely, Md. Shahid has been granted bail in Cr. Misc. No.52818 of 2021, co-accused, namely, Md. Asgar has been granted bail in Cr. Misc. No.52895 of 2021 by a common order dated 21.01.2022 by this Hon'ble Court. He further submits that co-accused, namely, Md. Shamim has been granted bail vide order dated 22.01.2022 in Cr. Misc. No.54969 of 2021 by this Hon'ble Court.

Learned counsel for the informant as well as learned 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 S.T. No. 465 of 2019/279 of 2019 arising out of 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)

Nitesh/-

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