

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58535 of 2021

Arising Out of PS. Case No.-813 Year-2019 Thana- JAHANABAD District- Jehanabad

Md. Karu @ Md. Saheb Son of Md. Kashim Resident of Bichli Mohalla,
Jehanabad, P.S. and District- Jehanabad, Bihar, Pin Code- 804408

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nazir Alam, Advocate

For the Opposite Party/s : Mr. Anil Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-02-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State in Virtual Court
proceeding.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in connection with Jehanabad P.S.
Case No. 813 of 2019 registered for the offences punishable
under Sections 153(A), 147, 148, 149, 302, 188, 153 of the
Indian Penal Code and Section 27 of Arms Act.

According to prosecution case, while section 144 was
on alert, about 100 people of Jafarganj and local vicinity under
leadership of Ex Ward Parshad Md. Wasim Uddin raising slogan
arrived at the house of Vishnu Kumar, 2 to 4 people pointed
pistol on Vishnu Kumar on which informant tried to save him,



some miscreants pulled him and thus he fell down on the ground. In the meantime, some people who were leading mob surrounded Vishnu Kumar and co-accused Golden who was also one of the member of mob, fired on Vishnu Kumar and fled away. Vishnu Kumar was taken away to Sadar Hospital Jehanabad for treatment where he was declared dead.

Learned counsel for the petitioner submits that petitioner has clean antecedent and has committed no offence and he has falsely been implicated in the present case. He further submits that petitioner is only a member of mob, there is no specific allegation against the petitioner. He further submits that specific allegation against co-accused namely Golden who fired on victim and fled away and co-accused namely, Md. Tipu @ Md. Tippu @ Langrah has been granted bail by a co-ordinate Bench of this Court vide order dated 06.04.2021 passed in Cr. Misc. No. 969 of 2021. The petitioner is in custody since 11.08.2021.

The learned Additional Public Prosecutor vehemently opposed the prayer for bail.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Chief
Judicial Magistrate, Jehanabad in connection with Jehanabad
P.S. Case No. 813 of 2019, subject to 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 cancelled 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.

3. 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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