

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50756 of 2022

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

MD. SHAMIM S/o Md. Sahjad R/o village- Pokhaha (Pokhria), P.S.- Kasma,
District- Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamendra Pd. Singh, Adv.

For the Opposite Party/s : Mr. Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-09-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for
the offence under Sections 341, 323, 147, 148, 149, 307 and
302 of the Indian Penal Code.

The husband of the informant is said to have been
assaulted by the petitioner and others with Talwar, Tangi,
Gadasa resultantly, he got multiple injuries.

Earlier, the prayer for bail of this petitioner has
been rejected vide order dated 04.06.2020 passed in Cr.
Misc. No. 82133 of 2019 and thereafter the petitioner has
renewed his prayer for bail vide Cr. Misc. No. 54969 of 2021
which has been allowed by this Court vide order dated



22.01.2022 and soon thereafter an application for modification of the order dated 22.01.2022 has been moved vide Cr. Misc. No. 31910 of 2022, which stood dismissed as withdrawn on 27.07.2022. Now, this is the fourth occasion the petitioner has moved before this Court.

Learned counsel for the petitioner submits that on the first occasion, the prayer for bail of this petitioner has been rejected vide order dated 04.06.2022 passed in Cr. Misc. No. 79402 of 2019 with analogous case with an observation that the petitioner may renew his prayer for bail after completion of nine months from the date of order. He further submits that although more than two months have passed but the trial of the case is not likely to be concluded in near future as the report received from the court below reveals that the case is still pending for examination of official witnesses. He further submits that co-accused, namely, Md. Ishrar, Md. Mazid, Md. Rashid and Md. Jave @ Md. Jawid have already been granted bail by this Court vide order dated 18.01.2022, 21.01.2022, 24.08.2021 and 27.08.2021 passed in Cr. Misc. Nos. 32939 of 2021, 48146 of 2021, 49555 of 2021 and 51493 of 2021, respectively. Apart from that other five accused have been granted bail by this



Court and the petitioner is rotting in judicial custody since
08.07.2022

Learned A.P.P. for the State has opposed the prayer
for bail of the petitioner and submits that the petitioner
carries one more cases other than the present one.

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 Court below where the case is pending 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/her absence on two consecutive dates
without sufficient reason, his/her 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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