

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62565 of 2021

Arising Out of PS. Case No.-20 Year-2021 Thana- JALE District- Darbhanga

Shafique Baig @ Imroze Baig @ Mirza Imroze Baig, S/o Mirza Shakil Baig
@ Shakil Veg, R/o village- Mirzapur, P.S.- Jale, District- Darbhanga

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Sarbottam Kumar Sarkar, Advocate
For the Opposite Party : None

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 05-07-2022 This application has been listed under the heading
‘For Orders’.

Registry has pointed out several defects in the
present application.

Mr. Sarbottam Kumar Sarkar, learned counsel for
the petitioner submitted that the defects are mainly because only
e-filing of applications are permitted by the Court. He submitted
that defects can be removed only if filing of hard copy is
permitted. He undertook that even if the applications are heard
and disposed of on merit in due course of time when the Court
would permit filing of hard copy, the defects pointed out by the
registry would be removed.

In view of the above submissions made by the
learned counsel for the petitioner, the application has been taken



up for hearing on merit.

The sole petitioner seeks pre-arrest bail in connection with Jale P.S. Case No.20 of 2021 registered *inter alia* for the offence punishable *inter alia* under Section 307 of the Indian Penal Code and Section 27 of the Arms Act.

It is pleaded that the allegation against the petitioner of assaulting the nephew of informant is general and omnibus. Even the weapon by which the petitioner allegedly assaulted the nephew of the informant has not been disclosed in the first information report. The further contention is that there is a case and counter case. The instant case has been instituted on the basis of the written report of Md. Tej, who is the man of questionable character. He is accused in several criminal cases namely, Jale P.S. Case No.47 of 2012, Jale P.S. Case No.95 of 2012 and Jale P.S. Case No.181 of 2019 and his brother Md. Aurangzeb is the history sheeter.

None has appeared on behalf of the State to oppose the application filed on behalf of the petitioner.

Considering the materials available on record as also the fact that the petitioner is not the persons who is alleged to have opened fire causing injury to anyone and the omnibus allegation against him of assaulting the nephew of the informant



does not reveal, even the weapon by which the assault was caused, I am inclined to grant him pre-arrest bail. He is directed to be released on bail in the event of his arrest or surrender in the court below on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-1st, Darbhanga in connection with Jale P.S. Case No.20 of 2021 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J.)

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