

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62746 of 2021**

Arising Out of PS. Case No.-109 Year-2019 Thana- ARA NAGAR District- Bhojpur

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Samsher Miya @ Shamsheer @ Shamsheer Miyan S/o Late Kashim Resident of
Vill - Abarpul, P.S. - Ara Town, Dist. - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajani Ranjan Pd. Singh, Advocate
For the State : Mr. Mithlesh Kumar Khare, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 23-11-2022 At the outset, learned counsel for the petitioner submitted that this is the second bail petition of the petitioner after rejection of his prayer of bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 13005 of 2020 dated 23.11.2020.

Heard learned counsel appearing on behalf of the petitioner and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Ara Nagar P.S. Case No. 109 of 2019 registered for the offence under Sections 302 and 34 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 05.07.2019.

The allegation against the petitioner is commit murder of sister of the informant, alongwith other co-accused persons, due to long standing land/property dispute.

Learned counsel appearing on behalf of the petitioner submitted that, earlier, prayer of bail of the petitioner has been rejected by a learned Co-ordinate Bench of this Court and, as such, petitioner is in custody since 15.07.2019. It is submitted that the allegation of firing is not available against this petitioner and, moreover, informant has been examined during the course of trial, where he has been declared hostile by prosecution, as he failed to support the accusation, as raised through F.I.R. and under such circumstances, keeping the petitioner behind the bar, for any further period, shall not serve any purpose of justice.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, submitted that, earlier, the prayer of bail of the petitioner has been rejected on merit.

In view of the facts and circumstances, as mentioned above, as petitioner is in custody since 05.07.2019, where informant failed to support the allegation, as raised through F.I.R. during the course of trial, let the petitioner, above named, is directed to be released on bail in connection with Ara Nagar



P.S. Case No. 109 of 2019 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge-IX, Bhojpur at Ara/concerned Court, subject to the following conditions:

“(i) 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.

(ii) That one of the bailors shall be Md. Sarfaraz, who is the cousin of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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