

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53315 of 2022

Arising Out of PS. Case No.-246 Year-2022 Thana- WAJIRGANJ District- Gaya

Md. Jahangir Son of Md. Jakir Hussain R/O Village- Shankar Bigha, P.S.-
Wazirganj, Dist.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ambuj Nayan Chaubey, Advocate.
For the Informant	:	Mr. Sanjeev Kumar, Advocate.
For the Opposite Party/s	:	Mr. Sanjay Kumar Singh, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 23-12-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Ambuj Nayan Chaubey, learned counsel for the petitioner, Mr. Sanjeev Kumar, learned counsel for the informant and Mr. Sanjay Kumar Singh, learned APP for the State through video conferencing.

The petitioner seeks regular bail, who is in custody in connection with Wazirganj P.S. Case No. 246 of 2022, registered for the offences punishable under Sections 341, 323, 307 and 506/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case is based on a written report filed



by the informant alleging therein that on 22.05.2022 at about 11:00 PM., he had gone along with *Barat* to the village of accused persons, where on account of some dispute the accused persons brutally assaulted nephew and son of the informant and after presuming them dead, thrown them in *Naali*. The accused persons were armed with *lathy*, *danda* and revolver have assaulted the injured persons and when the informant and other persons rushed to the place of occurrence, all the accused persons fled away after making firing. It is also alleged that both the injured persons were taken to the Sadar Hosptial, Gaya and thereupon having seen the serious nature of the injury, they were referred to Patna for better treatment.

Learned counsel appearing on behalf of the petitioner submits that from the tenor of the FIR, it is evident that general and omnibus nature of allegation has been leveled against four named and ten unknown persons and no specific allegation has been attributed against the petitioner. He further submits that admittedly the occurrence took place on 22.05.2022, however, the FIR has been instituted on 28.05.2022 on the basis of the written application dated 27.05.2022. He also submits that it is also evident that the FIR was sent to the jurisdictional court after a long delay on 04.06.2022, which also creates suspicion.



On the other hand learned counsel for the informant vehemently opposes the bail application and submits that during the course of investigation, the statement of the independent witnesses were recorded by the investigating officer and they have categorically stated with regard to the complicity of the petitioner and also specifically alleged that they have assaulted the injured persons. He further submits that since both the son and nephew of the informant were badly injured, therefore, he was badly engaged in their treatment, which resulted into the delay in lodging of the FIR.

Learned APP for the State has also opposed the bail application and submits that the injured persons are in ICU, which suggests that they were badly assaulted by the accused persons.

Regard being had to the submissions made on behalf of the parties and considering the fact that the general and omnibus nature of allegation against four named accused persons and ten unknown persons, apart from the delay in lodging of the FIR and the petitioner having fair antecedent, is in custody since 22.06.2022, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to



the satisfaction of learned Additional Chief Judicial Magistrate -I, Gaya, in connection with Wazirganj P.S. Case No. 246 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

manoj/-

U		T	
---	--	---	--

