

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64017 of 2021

Arising Out of PS. Case No.-145 Year-2021 Thana- SAHEBPUR KAMAL District-
Begusarai

MD. NISHAD Son of Md. Shamshad Resident of Ward No.- 16 Lakhminia
Pachchim Tola Phool Chowk, P.S.- Ballia, District - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abul Kalam, Advocate

For the Opposite Party/s : Mr. Bal Mukund Prasad Sinha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 23-05-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Sahebpur Kamal Police Station Case No. 72 of 2021, registered
for the offences punishable under Sections 398/401 of the Indian
Penal Code and Sections 25 (1-B)/A/26/35 of the Arms Act.

The prosecution case, as per the First Information
Report, is that the informant during course of patrolling duty
reached Sanha Dhala at N.H. 31 and saw one person, who told
the Police that one of his relative was shot at near Bakhadda
Petrol Pump and his treatment was going on at Ballia Hospital.
On getting this information, Police reached there and saw one
injured namely, Arun Singh. His relative told them that while he



along with Arun Singh (injured) was returning from Sabdalpur and reached near Bakhadda Petrol Pump, four unknown accused tried to commit loot and fired upon the injured. Thereafter, the Police Party reached near Bakhadda Petrol Pump More and upon seeing the Police Party, the accused persons started fleeing away, but on chase, they were apprehended and disclosed their names as Md. Akbar, Md. Tanwir @ Chunna, Md. Nishad and Md. Akram. On search, one Mobile phone has been recovered from the possession of the petitioner.

Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case along with other accused persons, alleging that they were making preparation for committing dacoity. He next submits that only Mobile Phone has been recovered from possession of the petitioner and he is in custody since 01.07.2021 having no criminal antecedent, charge sheet has already been submitted against him and as such there is no likelihood that the petitioner will abscond and/or tamper with the evidence. He next submits that other co-accused person has been granted bail by this Court in Cr. Misc. 52221 of 2021.

Regards being had to the submissions made on behalf of the parties and taking into consideration the materials on



record, the fact that charge sheet has already been submitted, the petitioner is in custody since 01.07.2021 having no criminal antecedent and other co-accused person has been granted bail by this Court, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail, upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Begusarai, in connection with Sahebpur Kamal Police Station Case No. 145 of 2021.

(Anil Kumar Sinha, J)

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