

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64226 of 2021**

Arising Out of PS. Case No.-239 Year-2021 Thana- BARAUNI District- Begusarai

Md. Sameer @ Salim @ Tuphan Son Of Md. Amin Resident Of Village-
Mehsauri, P.S.- Muffasil (Khagaria) District- Khagaria

... .. Petitioner/s

Versus

The State Of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Choudhary, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 08-04-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in a case registered for the offences punishable under Sections 323, 341, 504, 506, 307 of the Indian Penal Code and Section 25(1-b)a, 26, 27, 35 of the Arms Act.

According to prosecution case, the informant Pawan Kumar in his written statement stating therein that on 10.06.2021 had a conversation with the informant's wife then regarding this matter, on 11.06.2021 the brother-in-law of the informant namely Kanhaiya Kumar Ram reached the house of



the informant and a motorcycle alongwith his partner Md. Sameer @ Tuphan. When the informant reached the house, the brother-in-law of the informant namely Kanhaiya Kumar Ram sitting from the east and his companion Md. Sameer @ Tuphan said that you (informant) should go. So the informant said I won't go. Together they began to scuffle with the informant and the brother in law of the informant with the intention of taking breath, took out the weapon from the waist and put it on the informant. Informant saved by grace of God. The informant tried to catch his brother-in-law with the courage again but he ran away throwing the weapon. Then the people around gathered after hearing the sound of the firing then with the help of the villagers Sala's partner namely Md. Smeer @ Tuphan was caught handed over to the officer was came from the police station with weapons and empty cartridge.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that the allegation of firing upon the informant and the co-accused namely Kanhaiya Kumar Ram. He further submits that there is no allegation of overt act against the petitioner and nothing is recovered from the conscious



possession of the petitioner. The petitioner is in custody since 12.06.2021.

The learned A.P.P. has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Court below where the case is pending in connection with Barauni P.S. Case No. 239 of 2021, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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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