

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56504 of 2022**

Arising Out of PS. Case No.-197 Year-2022 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Md. Sanowar, Male, aged about 35 years, son of Md. Israeel, Resident of
village- Fatehpur, P.S.- Muffasil, (Singhaul O.P.), District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Raj Kumar Sinha, Advocate
For the Informant	:	Mr. Sandip Kumar Gautam, Advocate
For the State	:	Mr. Ashok Kumar Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT**

Date : 23-12-2022

The matter has been heard through video conferencing.

2. Heard Mr. Raj Kumar Sinha, learned counsel for the petitioner; Mr. Sandip Kumar Gautam, learned counsel for the informant and Mr. Ashok Kumar Singh, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner seeks bail being in custody in connection with Muffasil (Singhaul OP) PS Case No. 197 of 2022 dated 23.04.2022 instituted under Sections 302, 386, 504/34 of the Indian Penal Code and 27 of the Arms Act, 1959.



4. The allegation against the petitioner is that he had come along with co-accused Md. Mehboob and three other persons and had demanded to compromise an earlier case and Rs. 50,000/- extortion per month and when the same was denied by the son of the informant, co-accused Md. Mehboob is said to have fired on the son of the informant which hit him on the left side of the chest and he died whereafter all the accused persons are said to have fled away.

5. Learned counsel for the petitioner submitted that the allegation against the petitioner is only that he had also come along with the main co-accused but no overt act is attributed to him. Further, it was submitted that the petitioner has no criminal antecedent and there was no occasion for him to go as he was not an accused in the earlier case relating to extortion being instituted by the informant against co-accused Md. Mehboob and others. It was submitted that it is an admitted position that only co-accused Md. Mehboob fired on the informant's son which led to his death. Learned counsel submitted that the petitioner having no criminal antecedent is in custody since 24.04.2022.

6. Learned APP and learned counsel for the informant submitted that the petitioner was also one of the persons who had come to demand compromising of the case by the informant and



thus, for firing by the co-accused, the petitioner was equally responsible. However, it was not controverted that the petitioner is neither named as an accused in the earlier extortion case nor any overt act is attributed to him.

7. Having considered the submissions of learned counsel for the parties and taking into account that the petitioner has no criminal antecedent and has not been accused of any overt act and that he was not an accused in the earlier extortion case filed by the informant, the Court is inclined to enlarge the petitioner on bail.

8. Accordingly, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000 (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class cum AM, Begusarai in Muffasil (Singhaul OP) P S Case No. 197 of 2022, subject to the conditions that one of the bailors shall be a close relative of the petitioner. The petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner and the petitioner shall also give an undertaking to the Court that he shall not indulge in any illegal/criminal activity, act in violation of any law/statutory provisions, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds.



9. The application stands allowed in the aforementioned terms.

(Ahsanuddin Amanullah, J)

P. Kumar

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