

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70168 of 2021

Arising Out of PS. Case No.-68 Year-2021 Thana- ISHAKCHAK District- Bhagalpur

1. Md. Shamsheer S/o Late Md. Ali R/o Mohalla- Sahamat Hussain Late, Uttar Tola, Barahpura, P.S.- Ishakchak, District- Bhagalpur, At present R/o Mohalla- Choti Railway Line, Jhopar Patti, P.S.- Ishakchak, District- Bhagalpur
2. Md. Saddo @ Md. Sahdab S/o Md. Shamsheer R/o Mohalla- Sahamat Hussain Late, Uttar Tola, Barahpura, P.S.- Ishakchak, District- Bhagalpur, At present R/o Mohalla- Choti Railway Line, Jhopar Patti, P.S.- Ishakchak, District- Bhagalpur
3. Md. Samshad S/o Md. Ansar R/o village- Baliyas, Kadma, P.S.- Dhoriya, District- Banka. At present R/o Mohalla- Choti Railway Line, Jhopar Patti, P.S.- Ishakchak, District- Bhagalpur

... .. Petitioner/s

Versus

The State Of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Nurul Hoda
For the Opposite Party/s : Mr. Bhanu Pratap Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 28-04-2022 Heard learned counsel for the petitioners 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.

Petitioners seek bail in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 504, 506 and 509 of the Indian Penal Code.

According to prosecution case, the informant Bibi



Afsana gave her fardbeyan on 13.06.2021 to teh S.H.O. Ishakchak alleging therein that her younger brother Md. Ramzani and son-in-law of Md. Shamsheer while walking collided with each other, due to which dispute started and was reconciled afterwards. It is further alleged that Md. Sancho near tea shop on account of such earlier dispute alongwith other accused persons namely Md. Shamsheer (petitioner no.1), Md. Md. Saddo (petitioner no.2), Shamshad (son-in-law of Shamsheer), Joohi, Aslam @ Babar and Md. Chotu were standing with Lathi Danda surrounded her brother Md. Sancho and assaulted him jointly, due to which her brother got seriously injured. It is further alleged that in order to kill Md. Sancho the accused persons by Danda hit him on ear and head, due to which blood started oozing and while saving her brother the informant also got injury on her head after which Md. Sancho was admitted in Hospital.

Learned counsel for the petitioners submits that petitioner have clean antecedent and they have falsely been implicated in the present case. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against all the accused persons. He further submits that the injury report does not corroborate the allegation as alleged in the



F.I.R. He further submits that the police after investigation submitted the charge sheet against the petitioners. The petitioner is in custody since 14.06.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Ishakchak P.S. Case No. 68 of 2021, subject to the following conditions:-

1. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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