

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2 of 2022**

Arising Out of PS. Case No.-813 Year-2019 Thana- JAHANABAD District- Jehanabad

MD HAFEEZ RAIN @ MD. BAUA @ BABU Son of Md. Moin Rain @
Moin Miyan @ Chanbudari Resident of Village - Zafarganj, P.S.- and Distt.-
Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Birendra Kumar, Adv.

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh, APP

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

2 06-05-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State through video conferencing.

The petitioner seeks bail in a case registered for the offence under Sections 153(A), 147, 148, 149, 302, 188, and 153 of the Indian Penal Code and Section 27 of the Arms Act.

According to prosecution case, while section 144 was on alert, about 100 people of Jafarganj and local vicinity under leadership of Ex Ward Parshad Md. Wasim Uddin raising slogan arrived at the house of Vishnu Kumar, 2 to 4 people pointed pistol on Vishnu Kumar on which informant tried to save him, some miscreants pulled him and thus he fell down on the ground. In



the meantime, some people who were leading mob surrounded Vishnu Kumar and co-accused Golden who was also one of the member of mob, fired on Vishnu Kumar and fled away. Vishnu Kumar was taken away to Sadar Hospital Jehanabad for treatment where he was declared dead.

Learned counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case. In fact, there is general and omnibus allegation against the petitioner and no specific allegation is attributed to him. He further submits that although the petitioner is named in the F.I.R. but he is said to be member of a mob only and no overt act is committed by him. He further submits that the specific allegation of firing upon the informant is attributed to the co-accused, Golden. He further submits that similarly situated the co-accused, Tipu @ Lagra has already been granted bail by a co-ordinate Bench of this Court vide order dated 06.04.2021 passed in Cr. Misc. No. 969 of 2021 and another co-accused, namely, Md. Karu @ Md. Saheb has also been granted bail by this Court vide order dated 03.02.2022 passed in Cr. Misc. No. 58535 of 2021. The petitioner is rotting in judicial custody since 09.09.2021..

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let



the, above named, petitioner 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 learned Court below where the case is pending in connection with Jehanabad P.S. Case No. 813 of 2019 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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