

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10717 of 2023

Arising Out of PS. Case No.-14 Year-2019 Thana- ANGARH District- Purnia

ABU KALAM S/O ALIMUDDIN @ ALIM R/v- Gostara, P.S.- Rauta,
District- Purnia

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Anil Kumar Saxena, Adv.

For the Opposite Party : Mr. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

8 01-11-2023

1. Heard learned counsel for the parties.

2. The petitioner has filed the instant application for grant of regular bail in connection with Angarh P.S. Case no. 14 of 2019 registered under section 302/34 of the Indian Penal Code.

3. As per the prosecution case, it is stated by the informant that the petitioner and one another entered her house and on the orders of the co-accused both the petitioner and others accused resorted to firing causing fire arm injury on the leg of the informant. It is further stated that as a result of the co-accused resorting to firing, the husband of the informant sustained gun shot injury on his chest.

4. It is submitted by learned counsel for the petitioner that the allegation as levelled in the F.I.R. are false and



concocted. The allegation of firing resulting in fire arm injury on the chest of the informant's husband is not on the petitioner but on the co-accused. The deceased was himself a veteran criminal and the manner of the occurrence is other than what has been narrated in the FIR which is also evident from the material that has transpired in course of investigation. The petitioner is in custody since 22.7.2022.

5. The application for bail is opposed by learned A.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration the nature of allegation against the petitioner, charge having been framed in the learned Trial Court on 27.9.2022 as is evident from the report received from the learned trial Court together with the petitioner having remained in custody since 22.7.2022, the Court directs the petitioner to be enlarged on bail in connection with Angarh P.S. Case no. 14 of 2019 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 5th Additional Sessions Judge, Purnea.

7. It is further directed that the petitioner shall remain physically present in Court on each and every date of the trial and shall cooperate in the trial. In case the learned Trial Court is



of the opinion that the trial is being delayed due to noncooperation on part of the petitioner, the learned trial Court may cancel the bail bond of the petitioner and take him into custody till the conclusion of the trial.

(Partha Sarthy, J)

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