

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11606 of 2023**

Arising Out of PS. Case No.-179 Year-2021 Thana- PURAINI District- Madhepura

MD. AZHAR ALI @ AJHAR ALI SON OF SOBHAM ALI @ MD.
SUBHAN ALI R/O VILLAGE- AURAI PURVI, WARD NO.10, P.S.-
PURAINI, DISTRICT- MADHEPURA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Advocate

For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER**

2 10-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is an accused in connection with
Puraini P.S. Case No. 179 of 2021 registered for the offences
under section 307 of the Indian Penal Code and section 27 of
the Arms Act lodged on 09.11.2021 by the informant, Arun
Kumar Das.

The prosecution story, in brief, is that on 05.11.2021
at about 6.15 o'clock while the informant was returning to his
home from Madheli Hatia after selling clothes and at about 6.35
o'clock when he reached just before Purab Pool and Kursandi
Chowk, three person came on a black colour Motorcycle and
they tried to dash the motorcycle of the informant and when the



informant stopped his Motorcycle, one person pointed out weapon on his temporal region and two persons who were armed with bamboo chams started assaulting to the informant. When they saw one person coming on motorcycle from village side, then one person fired on his thigh. Later, all three miscreants fled away towards Kursandi. In the mean time, many of the villagers assembled there and brought the informant to Uda Kishunganj for treatment from where he was referred to Mayaganj Hospital and as there was dark in the area so he could not identify any of the three miscreants then the informant came at Police station and gave his written report. Accordingly, the FIR.

It has been contended by the learned counsel for the petitioner that although his name has come in the confessional statement, he has not been put on T.I.Parade. However, only because he has criminal antecedent, he has been implicated in this case.

Learned APP for the State, on the other hand, opposes the prayer for bail.

Considering the aforesaid submissions put forward by the learned counsel for the petitioner as also the fact that he has completed one year in custody since 30.04.2022 (as stated in



paragraph-13 of the bail application), this Court is inclined to extend him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of the learned Additional Sessions Judge-III, Madhepura in connection with S.T. No. 178 of 2022 (arising out of Puraini P.S. Case No. 179 of 2021), subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;



(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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