

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22391 of 2023

Arising Out of PS. Case No.-265 Year-2022 Thana- BAISI District- Purnia

Sayyad @ Md. Sayyad Hussain Son of Atti @ Tatimuddin Resident of village
- Tarabari, P.S.- Baisi, District - Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Soni Srivastava, Advocate Mr. Ram Prawesh Kumar, Advocate
For the Opposite Party/s	:	Mr. Aditya Narayan Singh.1, APPT

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 17-07-2023 Heard Mrs. Soni Srivastava, learned counsel for the

petitioner, assisted by Mr. Ram Prawesh Kumar and learned

Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
12.12.2022 in connection with Baisi P.S. Case No. 265 of 2022,
F.I.R. dated 29.06.2022 for the offences punishable under
Sections 302, 120B, 379/34 of the Indian Penal Code.

According to prosecution case, all the accused persons
including the petitioner have created a plan and at the time of
Panchayati, they attacked on two persons by means of deadly



weapons resulting into death of both the persons.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. She further submits that it appears from the F.I.R. that there is general and omnibus allegation against all the accused persons including the petitioner and there is no specific allegation of assault or overt act attributed against the petitioner. She further submits that the police after investigation submitted the charge sheet against the petitioner. She further submits that similarly situated, co-accused persons against whom there is specific allegation of assault, namely, Laltu @ Mojibur Rahman and Md. Aeja Anjum @ Ezaz Anjum have been granted bail by a co-ordinate Bench of this Court vide order dated 17.05.2023 passed in Cr. Misc. No. 1169 of 2023 and Cr. Misc. No. 3809 of 2023 respectively, co-accused, namely, Muddasir @ Md. Muddasir and Saukat @ Gulam Sarwar @ Gholam Sarwar have been granted bail by a co-ordinate Bench of this Court vide order dated 17.05.2023 passed in Cr. Misc. No. 3192 of 2023 and Cr. Misc. No. 5112 of 2023 respectively, co-accused, namely, Jahangir Ashram, has been granted bail by a co-ordinate Bench of this Court vide order dated 19.05.2023 passed in Cr. Misc. No. 19476 of 2023 and co-accused, namely, Hasnain @



Md. Hasnain has been granted bail by this Court vide order dated 26.06.2023 passed in Cr. Misc. No. 6443 of 2023. The petitioner is in custody since 12.12.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present on but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in the said case.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Chief Judicial Magistrate, Purnea in connection with Baisi P.S. Case No. 265 of 2022, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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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