

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23793 of 2023

Arising Out of PS. Case No.-247 Year-2022 Thana- CHAUSA District- Madhepura

Md Kaiyum Khan @ Kaijum, Son of Late Mumtaz Khan, R/V- Lauwalagam
East Ward No. 02, PS- Chousa Dist- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nadimul Hasan, Advocate

For the Opposite Party/s : Mr.Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Chousa P.S. Case No. 247 of 2022, registered for the alleged offences under Sections 506, 307, 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, in the background of some dispute, co-accused Akhilesh Yadav fired upon the informant, but the shot missed him and hit in the left leg of the nephew of the informant. The informant alleged that the petitioner and another co-accused Kunal Kumar were also present with the co-accused Akhilesh Yadav and they were making some planning and they have earlier threatened the informant.

4. The learned counsel for the petitioner submits that



the petitioner is innocent and has been falsely implicated in this case. There is no allegation of firing against this petitioner and the specific allegation of firing is against the co-accused Akhilesh Yadav. No specific overt act has been attributed to this petitioner. The petitioner is a co-villager of the informant and due to previous altercation, the informant named him in this case, otherwise, there is nothing on record to connect the petitioner with the alleged occurrence. The petitioner is in custody since 28.10.2022 and the charge sheet has been submitted. The petitioner is having clean antecedent.

5. Learned A.P.P. opposes the prayer for bail.

6. Having regard to the facts and circumstances and submissions made hereinabove and considering the nature of allegation with distinct lack of material to connect the petitioner with the offence as alleged and further considering the period of custody of the petitioner as well as submission of charge sheet, the petitioner is directed to be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Uda Kishunganj, Madhepura, in connection with Chousa P.S. Case No. 247 of 2022, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal



Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

V.K.Pandey/-

(Arun Kumar Jha, J)

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