

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23517 of 2023

Arising Out of PS. Case No.-290 Year-2022 Thana- UDAKISHUNGANJ District-
Madhepura

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MD. SAJJAD S/O SEKH YUNUS @ MD. YUNUS @ CHUNUS Resident of
Village- Nardah (Yogiraj), P.S.- Puraini, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Barun Kumar Singh, Adv.
For the Opposite Party/s : Mr.Sanjay Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-05-2023 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail in connection with
Udakishunganj P.S. Case No. 290 of 2022 dated 31.08.2022
registered for the offence under Sections 307, 120(B) and 326 of
the Indian Penal Code and Section 27 of the Arms Act.

The informant alleges that while he was going from the
Tempo, the accused persons along with the petitioner assaulted
him and one co-accused, Pinku Kumar and Sinku Kumar fired
upon him which hit him on left side of waste and wrist of left
hand with intention to kill him.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case merely on the basis of suspicion. He further submits



that it appears from the F.I.R. itself that co-accused, Pinku Kumar and Sinku Kumar opened fire upon the informant causing him bullet injury and no specific allegation of assault of any overt act as well as firing is attributed to the petitioner rather there he is stated to be the conspirator of the alleged occurrence. Nothing incriminating has been recovered from the conscious possession of the petitioner. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 01.09.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries two more cases other than the present one even though he is on bail in both cases.

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 Additional District and Sessions Judge-III, Madhepura in connection with Udakishunganj P.S. Case No. 290 of 2022 (S.T. No. 388 of 2022) 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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