

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26778 of 2023

Arising Out of PS. Case No.-219 Year-2022 Thana- BALRAMPUR District- Katihar

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MOHAMMAD NOOR ISLAM @ MD. NOOR ISLAM S/O AZAD ALAM
R/O Village- Sihrole, P.S- Balia Belone, Distt.- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Harish Chandra Patel, Advocate

For the Opposite Party/s : Mr.Ram Priya Sharan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

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

The petitioner seeks bail, who is in custody since
09.11.2022 in connection with Balrampur(Telta) P.S. Case No.
219 of 2022, F.I.R. dated 07.11.2022 registered for the offence
punishable under Sections 302,120(B),34 of the Indian Penal
Code and Section 27 of the Arms Act.

The prosecution case, in short, is that the informant
alleged that on 07.11.2022 she was sitting alongwith her brother
Sanjeev Kumar Mishra in meanwhile suddenly Mohib Akhtar@
Molvi, Munib Alam, Lalu Sahani, Md.Sarfaraj and Sarwar Alam
came with arms and fired upon her brother which has seen by
her family member and also seen her neighbour and further
alleged that Md. Nurislam, Md. Ahsan, Sakir Alam, Md. Kalu



and 5-6 other unknown persons, who fled away by air firing but she claimed to identify unknown persons after saw their face and father alleged that on 23.12.2021 accused persons also attempted for committing murder to her brother including Nursarover @ Sunni, Momina Khatoon but anyhow save for the aforesaid revenge, the aforesaid accused persons committed occurrence whenever brother of the informant was a social worker and protest against the criminal for this reason aforesaid occurrence committed.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case merely on the basis of suspicion. Further submits that it appears from the FIR that there is specific allegation of firing attributed against other co-accused persons, namely, Mohib Akhtar@ Molvi, Munib Alam, Lalu Sahani, Md.Sarfaraj and Sarwar Alam and the allegation against the petitioner is the he was present at the time of occurrence and he also fired in the air. Further submits that there is no specific allegation of any assault or overt-act attributed against the petitioner and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 09.11.2022.



Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the aforesaid fact, 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 learned Additional Chief Judicial Magistrate-VI, Katihar in connection with Balrampur(Telta) P.S. Case No. 219 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 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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