

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37549 of 2023

Arising Out of PS. Case No.-137 Year-2021 Thana- LAUKAHI District- Madhubani

Md. Hyder @ Md. Haider Son Of Md. Ishlam Resident Of Village -
Bangama, P.S. - Narhiya O.P. (LAUKAHI), District - Madhubani

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagan Deo Yadav, Advocate
		Mr. Ravi Prakash, Advocate
For the Informant	:	Mr. Arvind Kumar, Advocate
For the Opposite Party/s	:	Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 03-08-2023 Heard learned counsel for the petitioner, learned
counsel for the informant as well as learned Additional Public
Prosecutor for the State.

Petitioner seeks bail, who is in custody since
08.07.2021 in connection with Laukahi (Narhaiya O.P.) P.S.
Case No. 137 of 2021, F.I.R. dated 25.06.2021 for the offences
punishable under Sections 147, 148, 149, 341, 323, 325, 457,
427, 307, 504, 506 of the Indian Penal Code and Section 27 of
the Arms Act, later on Section 302 of the I.P.C. added.

According to prosecution case, as per fardbeyan of the
informant-Md. Badrul, in brief, is that on 23.06.221 at about
01:30 A.M. all accused persons including this petitioner
surrounded the house of the informant and made indiscriminate
firing upon his house, in course of which, Chhotu Yadav, Amar



Qlam, Md. Haidar after breaking the door entered into the house and fired upon the informant which struck leg of the informant and blood began to ooze. In the meanwhile, when family members of the informant came his rescue, Chhotu Yadav, Md. Amir, Md. Qlam, Md. Haider, Md. Taiyab having country made pistol again started indiscriminate firing which struck leg and head of brother of the informant, shoulder of uncle of informant, shoulder of cousin's wife of the informant. Further it is alleged that accused persons assaulted father of the informant by means of iron-rod, consequent of which, he sustained grievous injury.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that there is admitted land dispute between the parties and due to land dispute the present occurrence has taken place. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and petitioner has not committed any offence as alleged in the F.I.R. and as per F.I.R. version the petitioner has fired upon the informant which hit the leg of the informant and co-accused namely, Chhotu has fired upon the deceased namely, Amina Khatoon and said Amina Khatoon has died during her treatment. He further submits that the police after investigation



submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 08.07.2021.

The learned counsel for the informant and learned Additional Public Prosecutor for the State have vehemently opposed the prayer for bail of the petitioner and submits that there is direct and specific allegation against the petitioner that he has fired upon the informant.

Vide order dated 05.07.2023 a report was called for with regard to the present stage of trial. Report dated 12.07.2023 of the learned trial court reveals that the charge has been framed against accused on 16.03.2023 and the case is pending for prosecution evidence.

Learned counsel for the petitioner further submits that in view of the report of the learned trial court that the trial is not concluded in near future and the petitioner is in custody since 08.07.2021.

Considering the aforesaid facts and circumstances and report of the learned trial court, 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 A.C.J.M.-Ist, Jhanjharpur, Madhubani in connection with Laukahi (Narhaiya O.P.) P.S. Case No. 137



of 2021, 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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