

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40525 of 2023

Arising Out of PS. Case No.-206 Year-2020 Thana- MOUZA HIDPUR District- Bhagalpur

Md. Arman @ Shadab @ Shadab Alam Sheikh Son Of Late Md. Yakub
Resident Of Village- Puraini Kila P.S. Jagdishpur District Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar Upadhyaya, Advocate

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 28-07-2023 Heard the parties.

The petitioner is apprehending arrest in connection with Mojahidpur (Babarganj) P.S. Case No. 206 of 2020 instituted under Sections 147, 148, 149, 342, 307, 506 of the Indian Penal Code and section 27 of the Arms Act lodged on 24.9.2020 by the informant, Md. Feroz.

As per the prosecution story, the allegation is that while the informant was playing Ludo, the accused persons armed variously came, surrounded and allegation against Md. Tarjan is of opening fire causing fire arm injury on his back. As the villagers assembled, they escaped and the injured was taken to hospital. Accordingly, the FIR.

Learned counsel for the petitioner submits that going by the FIR, the specific allegation is against Md. Tarjan. The



other accused is alleged to have surrounded the informant, he do not have criminal antecedent and will abide by all the terms and conditions, if granted anticipatory bail.

Learned APP opposes the prayer but concedes that the specific allegation is against Md. Tarjan.

Taking into account the aforesaid submission put forward by the learned counsel for the petitioner as also the fact that he do not have criminal antecedent and the main allegation is against Md. Tarjan, this Court is inclined to extend him privilege of anticipatory bail.

Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Mojahidpur (Babarganj) P.S. Case No. 206 of 2020 to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur or the successor court subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;



(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observation, the bail application is allowed.

(Rajiv Roy, J)

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