

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43996 of 2023

Arising Out of PS. Case No.-24 Year-2023 Thana- AAJAM NAGAR District- Katihar

MOHAMMAD WAJIR, S/O Md. Yunus @ Late Yunus, R/O Village-
Azamnagar, South Tola, P.S. Azamnagar, Dist. Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Musowir, Advocate

For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 24-07-2023 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. Petitioner seeks regular bail in connection with
S.T. No. 253 of 2023 arising out of Azamnagar P.S. Case No. 24
of 2023, dated 22.01.2023 registered for the offences punishable
under Sections 341, 323, 307, 353/34 of the Indian Penal Code
and Sections 25(1-b)a, 26 and 35 of the Arms Act.

3. Learned counsel Mr. Md. Musowir, appearing for
the petitioner submits that against the petitioner there is criminal
antecedent of one case and the main allegation concerned to the
offence of Section 307 of I.P.C. is against co-accused Saheda
Khatoon and petitioner is only concerned to the recovery of
alleged firearms. Further submissions are that the petitioner was
apprehended merely on the basis of suspicion and against him



there is no specific allegation and prior to institution of the FIR of the present matter petitioner's brother had lodged Azamnagar P.S. Case No. 233 of 2022 against one namely, Md. Sahood Alam who also lodged Azamnagar P.S. Case No. 18 of 2023 against the petitioner and the said case is the criminal antecedent of the petitioner and moreover the petitioner has been languishing in jail since 24.01.2023 and against him the investigation has been completed.

4. Learned APP Mr. Syed Mojibur Rahman, appearing for the State opposes the prayer for bail.

5. Having regard to the facts and circumstances of this case and mainly considering the completion of investigation against this petitioner and also considering the fact that the allegation concerned to the alleged offence of Section 307 of I.P.C. is against co-accused Saheda Khatoon, in my opinion, a lenient approach can be taken in respect of the petitioner's prayer for bail. Accordingly, let the petitioner named-above be enlarged on bail **after framing of charge, if the same has not been framed** on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with S.T. No. 253 of 2023 arising out of Azamnagar P.S. Case No. 24 of 2023



on the following conditions:-

(i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial Court and shall remain physically present as directed by the trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the trial Court.

(ii) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of his bail.

(iii) One of the bailors shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J.)

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