

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43344 of 2022**

Arising Out of PS. Case No.-400 Year-2019 Thana- GOGRI District- Khagaria

MD. KARIM, Son of Md. Rafik, Resident of Village - Chhoti Maliya, P.S.-
Gogri, Distt.- Khagaria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Sumiran Rai, Advocate
For the Opposite Party/s : Ms.Meena Singh, APP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

3 09-02-2023 Heard learned counsel for the petitioner and the learned
APP for the State.

The petitioner seeks bail in connection with Gogri P.S.
Case No. 400 of 2019 registered for the offence punishable under
Sections 302 and 34 of the Indian Penal Code and Section 27 of the
Arms Act.

The petitioner along with others has allegedly taken the
informant's son away, whereafter it is alleged that the informant's son
has been shot at.

Learned counsel for the petitioner submits that the firing is
attributed against co-accused Md. Istiyak. The petitioner is similarly
situated as co-accused Azad, who has been allowed bail in *Cr. Misc.
No. 48736 of 2022*. Wife of the instant petitioner has lodged an FIR
on 20.11.2019 which has been registered as *Gogri P.S. Case No. 397
of 2019* wherein the informant of the instant case is an accused. The
instant case is in fact is counter blast to the same as it has been
instituted on 23.11.2019. It is submitted that subsequent to
petitioner's implication in this case, he has also been made accused



in one more case, which is pending against him. He is in custody since 12.04.2022. Moreover, investigation is also complete.

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

Considering the rival submissions, the institution of FIR by petitioner's wife prior to the instant case, claim based on parity, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel.

Prayer for bail of the petitioner is allowed.

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 Judicial Magistrate-1st Class, Khagaria, in connection with Gogri P. S. Case No. 400 of 2019, subject to the following conditions:-

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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