

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45312 of 2023

Arising Out of PS. Case No.-133 Year-2021 Thana- RAMPUR District- Gaya

MD. AFROZ @ ANOJ @ AFROZ Son of Late Mahmood Alam R/o Khagaul,
P.S.- Phulwarisharif, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 19-07-2023 Heard the parties.

The petitioner is in custody in connection with S. Tr.
No. 01 of 2022-04/2022 arising out of Rampur P.S. Case No.
133 of 2021 for the offence under Sections 324 and 307/34 of
the Indian Penal Code lodged on 20.04.2021 by the informant,
Shamshad Alam.

The allegation in the FIR is that the informant's son
died and the people were assembled to take mortal remains to
the graveyard. In the meantime, it is alleged that Md. Afroz
along with the Kallu Mian @ Md. Kallu reached their home and
Afroz opened fire which caused injury to Md. Akhtar. The
allegation of opening of fire is also against Kallu Mian @ Md.
Kallu who was with Md. Afroz but in the FIR, no injury to any
person has been attributed to him.



Further allegation against Md. Afroz is that when people tried to caught hold of him, he again opened fire which hit the left hand of Md. Mujahid @ Don. Accordingly, the F.I.R.

Earlier the bail application was rejected vide Cr. Misc. No. 55031 of 2022 on 19.10.2022 and now the fresh petition has been filed.

Taking into account his period of custody i.e. 04.05.2021 (as stated in paragraph 11 of the petition) as also that he do not have any criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Addl. Sessions Judge-XV, Gaya, in connection with S. Tr. No. 01 of 2022-04/2022 arising out of Rampur P.S. Case No. 133 of 2021 subject to the following 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 appear before the concerned police station every month for one year to mark his attendance;

(iv) 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;

(v) 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 observations, the application is allowed.

(Rajiv Roy, J)

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