

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44355 of 2023

Arising Out of PS. Case No.-19 Year-2022 Thana- BITHAN District- Samastipur

Jahazeb @ Golu @ Md Jahazeb Danish S/O Kari Safique @ Safique Ahmad
R/O Village- Manorba Khaira, Ps. Bithan, Dist. Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhimanyu Sharma, Advocate
For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 25-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 11.05.2023, in connection with Bithan P.S. Case No. 19 of 2022, F.I.R. dated 23.01.2022 registered for the offences punishable under Sections 341, 323, 307, 504, 506/34 of the Indian Penal Code.

3. Allegation against the petitioner is that he fired upon the informant with an intention to kill him and he has received firearm injury.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that from perusal of the F.I.R. it appears that the date of occurrence as



alleged in the F.I.R. 11.01.2022, the Fardbeyan was recorded on 16.01.2022 after delay of five days without giving any explanation of delay and thereafter the present F.I.R. was instituted on 23.01.2022 after completion of 12 days of the present occurrence. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. and from perusal of the F.I.R. it appears that due to previous election dispute, the petitioner has been falsely implicated in the present case and the present F.I.R. was instituted as an afterthought to falsely implicated the petitioner in the present case. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 11.05.2023.

5. The learned Additional Public Prosecutor for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner and submits that from perusal of the F.I.R. it appears that there is direct and specific allegation against the petitioner that he has fired upon the informant with an intention to kill him and he has received firearm injury.

6. Vide order dated 23.08.2023, a report was called for with regard to the stage of the trial. The report of the learned



Trial court dated 30.08.2023 reveals that case is pending at the stage of submitting the police paper.

7. Considering the aforesaid facts and circumstances of the case as well as the report of the learned Trial Court, let the petitioner, above named, be released on bail, **after framing of charge**, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Rosera at Samastipur in connection with Bithan P.S. Case No. 19 of 2022, 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 witness, 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 antecedents, 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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