

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49645 of 2023

Arising Out of PS. Case No.-93 Year-2023 Thana- PATEPUR District- Vaishali

M.D. Meraj @ Md. Meraj, son of Late Ayub @ Mohammad Ayoob, Resident of Village-Dadhua, P.S.-Patepur, District-Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 09-08-2023 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection with Patepur P.S. Case No.93 of 2023 registered for the offences punishable under Sections 307, 387 read with 34 of the Indian Penal Code and Sections 25(1-B)a and 27 of the Arms Act.

3. The accused/petitioner is named in the FIR and is in custody since 05.06.2023.

4. Allegation against the petitioner is to demand extortion money from brother of informant as certain loan was sanctioned in his favour and on denial, the petitioner along with other named co-accused persons opened fire upon brother of informant while he was available on counter of his shop.

5. It is submitted by learned counsel that petitioner



has been implicated with present case out of local dispute and differences. It is submitted that the allegation of firing is appearing indiscriminate and is not appearing specific against this petitioner, where a single bullet injury that too of laceration in nature was found upon leg, which is appearing non-vital part of the body. It is submitted that finding of single injury in the background of indiscriminate firing by five named co-accused persons makes allegation itself false and non-convincing on its face. It is submitted that no transaction was made in furtherance of extortion demand as alleged. While concluding argument, it is submitted that investigation of this case is completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

6. Learned APP while opposing the prayer for bail submitted that the petitioner actively participated in occurrence having allegation of firing along with other co-accused persons.

7. In view of above-mentioned facts and circumstances and by taking of fact as allegation of firing is not available specific against this petitioner, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 05.06.2023, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of



Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Patepur P.S. Case No.93 of 2023 subject to the conditions as laid down under Section 437(3) of the CrPC and with further conditions:-

(i) That petitioner shall not involve in any nature of criminal case till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That petitioner shall co-operate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.

(Chandra Shekhar Jha, J.)

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