

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49198 of 2022

Arising Out of PS. Case No.-265 Year-2021 Thana- DARBHANGA SADAR District-
Darbhanga

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Md. Shakeel Son of Late Md. Sabir, R/V- Muriya, P.S- Sadar (Bhalpatti),
Dist- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Brij Bihari Tiwary, Adv.
	:	Mr. Sumit Shekhar Pandey, Adv.
For the State	:	Mr. Surendra Prasad Singh, APP.
For the Informant	:	Mr. Subodh Kumar Jha, Adv.
	:	Mr. Pranav Kumar Jha, Adv.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 22-02-2023 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State as well as learned counsel for the informant.

The petitioner seeks regular bail in connection with
Darbhanga Sadar P.S. Case No. 265 of 2021, lodged under
Sections 147, 148, 149, 232 & 307 of the Indian Penal Code
read with Section 27 of the Arms Act.

As per prosecution case, the F.I.R. has been lodged by
one Eid Muhammad for the occurrence took place on
17.06.2021. In the F.I.R. there are in total 23 known and other
unknown persons were made accused. The specific allegation is



against two persons to fire namely Md. Shakeel (present petitioner) and Md. Sabir.

Learned counsel for the petitioner submits that for the said place and time of occurrence 3 F.I.Rs. were lodged. The first F.I.R. was lodged by the Police bearing Darbhanga Sadar P.S. Case No.261 of 2021, the second F.I.R. has been lodged by the petitioner side bearing Darbhanga Sadar P.S. Case No.264 of 2021 and the third is present F.I.R., in which, the petitioner is seeking bail bearing Darbhanga Sadar P.S. Case No.265 of 2021. He further submits that there are in total 4 criminal cases pending against the petitioner, out of 4 cases 2 cases were already settled before Lok Adalat and in rest 2 cases he is not named, rather at subsequent level his name has come. He also submits that from the contents of all the 3 F.I.Rs., it transpires that there are group rivalry going on between the informant party and the petitioner party and upon their rivalry Darbhanga Police had interfered and first of all filed its own police case i.e. Darbhanga P.S. Case No.261 of 2021 and thereafter these 2 rival parties have filed criminal cases against each other because injuries are there from both the sides and series of persons were made accused. He further submits that petitioner is in custody since 01.06.2022.



Learned counsel for the State opposes the prayer for bail.

Learned counsel for the informant vehemently opposes the prayer for bail and submits that the specific allegation of firing is against 2 persons namely Md. Shakeel (present petitioner) and Md. Sabir.

Learned counsel for the petitioner submits that the said Md. Sabir has been granted bail by the Trial Court itself and Md. Shakeel son of co-accused namely Md. Sabir who is alleged to be the leader of one gang has intentionally been made accused in the present case.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M-1, Darbhanga in connection with Darbhanga Sadar P.S. Case No. 265 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates



without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file an affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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