

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49393 of 2022**

Arising Out of PS. Case No.-407 Year-2022 Thana- ARA NAGAR District- Bhojpur

MD. TALIM @ MD. SADDAM Son of Teni @ Islam @ Md. Islam Resident
of Village - Awarpul, P.S.- Arrah (Nagar), Distt.- Bhojpur at (Arrah).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 49317 of 2022

Arising Out of PS. Case No.-407 Year-2022 Thana- ARA NAGAR District- Bhojpur

Md. Golu Son Of Teni @ Islam @ Md. Islam R/O Village- Awarpur, P.S.-
Arrah (NAGAR), District- Bhojpur At (ARRAH)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 58138 of 2022

Arising Out of PS. Case No.-407 Year-2022 Thana- ARA NAGAR District- Bhojpur

MD. MUSKAN @ MD. MUSTAN @ MUSTAN S/O MD. IMAMUDIN @
IMAMUDIN Resident of village- Abarpul Ara, P.S.- Town, District- Bhojpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 49393 of 2022)

For the Petitioner/s : Mr.Gopal Krishna, Advocate

For the Opposite Party/s : Mr.Kanhaiya Kishore, APP

(In CRIMINAL MISCELLANEOUS No. 49317 of 2022)

For the Petitioner/s : Mr.Gopal Krishna, Advocate

For the Opposite Party/s : Mr.Mohammad Sufyan,APP

(In CRIMINAL MISCELLANEOUS No. 58138 of 2022)

For the Petitioner/s : Mr.Bhaskar Shankar, Advocate

For the Opposite Party/s : Mr.Abhay Kumar,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA



ORAL ORDER

4 08-02-2023 Heard learned counsel for the petitioners and the learned A.P.P. for the State in these applications.

The petitioners seek bail in a case registered for the offence under Sections 302/34 of the Indian Penal Code and Section 27 of Arms Act.

The prosecution case, in short, is that as per fardbeyan of the informant the present petitioners alongwith other co-accused persons opened firearms indiscriminately at the informant's son and the informant's succumbed to this firearm injuries during the course of treatment.

Learned counsel appearing for the petitioners submits that the petitioners have clean antecedent. They have falsely been implicated in the present case. He further submits that in fact there is no eye witness of the alleged occurrence and only on the basis of the suspicion the petitioners have falsely been implicated in the present case. Further submits that except the suspicion, no other cogent material has come during investigation against the petitioners and the police, after investigation, submitted chargesheet against the petitioners and petitioner Md. Talim @ Md. Saddam is in custody since 22.05.2022, petitioner Md. Golu is in custody since 19.05.2022 and petitioner Md. Muskan @ Md. Mustan @ Mustan is in



custody since 26.05.2022 respectively.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with Ara Nagar P.S.Case No. 407 of 2022 with the following conditions:-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for



cancellation of bail bond of the petitioners. 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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