

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52001 of 2023**

Arising Out of PS. Case No.-522 Year-2022 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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Md. Ali @ Aliya Son Of Md. Jahangir @JAHANGIR Resident Of Mohalla-
Ashraf Alam Lane Maulanachak, Sahbajnagar, Police Station
-MOJAHIDPUR, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee, Advocate
For the Opposite Party/s : Mr.Ram Sumiran Rai, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 18-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with Bhagalpur Kotwali P.S. Case No.522 of 2022 instituted under Sections 385, 386, 307, 504, 506/34 of the IPC and Section 27 of the Arms Act lodged on 25.06.2022 by the informant Md. Firdaus Alam.

As per the prosecution story, the accused persons came to the meat shop, abused, demanded money and thereafter allegation is that on the order of Md.Ejaj, Md. Amir opened fire, causing injury to the staff of the informant, Md. Dular. Further allegation against the accused persons including this petitioner is/are of assaulting the informant's side. This followed the FIR.

Learned counsel for the petitioner submits that specific allegation is against Md. Amir, omnibus against all



other persons including the petitioner and only because he has been made criminal by lodging one after another cases, this case is in its continuation.

Learned APP opposes the prayer for bail stating that he has criminal antecedent with at least eight cases under his belt.

Considering the submissions put forward by the rival parties, specific allegation is against Md. Amir of causing injury to the informant's staff, omnibus allegation against other accused persons, is in custody since 05.06.2023 (para-4 of the petition), this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Bhagalpur Kotwali P.S. Case No.522 of 2022 to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur , subject to following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his 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 fortnight for next six months to mark 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 the bail bonds.

(Rajiv Roy, J)

Prakash Narayan

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