

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52045 of 2023

Arising Out of PS. Case No.-603 Year-2023 Thana- KHAJANCHI HAT District- Purnia

MD. SHAHID ALAM Son of Md. Rais Alam Resident of village - Milki
Kadam Tola, P.S. - Sahayak Maranga, Distt. - Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Viveka Nandsingh, Adv.

For the Opposite Party/s : Mr.Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 05-09-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with K. Hat
(Maranga) P.S. Case No. 603 of 2023 registered for the offence
under Sections 307/34 of the Indian Penal Code and Section 27
of the Arms Act.

The petitioner is alleged to have opened fire upon the
Mahboob Alam which hit left hand elbow of the informant.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case. He further submits that there was land dispute between
the parties and on account of thereof the present case has been
filed against the petitioner. He further submits that it is apparent
from the F.I.R. itself that the petitioner has not caused injury to
the informant intentionally rather petitioner was to fire upon one



Mahboob Alam and unfortunately the bullet hit the informant on his left elbow. He further submits that the injury sustained by the informant is non vital part of the body. He further submits that the informant himself filed a petition before the court below that he does not want to pursue the matter against the petitioner. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 17.05.2023.

Learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner and submits that it is admitted position that the petitioner has fired upon the informant with intention to kill him. Apart from that the petitioner carries three cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea in connection with K. Hat (Maranga) P.S. Case No. 603 of 2023 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.



(2) If the petitioner tampers 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 petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, 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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