

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54328 of 2023

Arising Out of PS. Case No.-275 Year-2023 Thana- SASARAM NAGAR District- Rohtas

1. Zafar Khan S/O- Quraish Khan Mohalla- Sahjalal Peer, Ps- Sasaram Town, Dist- Rohtas, Sasaram
2. Shamim Sah @ Shami Sah son of Hafiz Sah Mohalla- Sahjalal Peer, Ps- Sasaram Town, Dist- Rohtas, Sasaram

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md. Nurul Hoda, Advocate

For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-09-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. Petitioners seek bail who are in custody since 29.05.2023 in connection with Sasaram (Town) P.S. Case No. 275 of 2023, F.I.R. dated 31.03.2023 for the offences punishable under Sections 147, 148, 149, 188, 153(A), 341, 342, 323, 337, 338, 353, 307, 427, 435, 436, 504, 505, 506 of the Indian Penal Code and Section 27 of the Arms Act, later on Section 302 of the Indian Penal Code was added.

3. According to prosecution case, two religion people, armed with deadly weapon lathi, danda, bhala, bricks stone about 200 people abusing each other naming their religion and provoking riots in between them and pelting stone to each others to disturb the communal harmony, on information by the informant, an F.I.R. was lodged.

4. Learned counsel for the petitioners submit that petitioners have clean antecedent and they have falsely been



implicated in the present case. He further submits that that petitioners are not named in the F.I.R and the name of the petitioners were transpired on the basis of confessional statement. He further submits that from the bare perusal of the F.I.R., it appears that there is no accusation of any assault or overt act attributed against the petitioners and merely on the basis of suspicion, the petitioners are implicated in this false and fabricated case. He further submits that number of co-accused persons i.e., Shamsad Chaudhary vide order dated 14.07.2023 in Cr. Misc. No. 42582 of 2023, Md. Sahkir @ Md. Sakir vide order dated 14.07.2023 in Cr. Misc. No. 41274 of 2023 and others have been granted bail by this Court as well as different co-ordinate Benches of this Hon'ble Court. He further submits that the police after investigation submitted a charge-sheet against the petitioners. The petitioner is in custody since 29.05.2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances, let the petitioners, above named, 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 the learned Chief Judicial Magistrate, Rohtas at Sasaram, in connection with Sasaram (Town) P.S. Case No. 275 of 2023, subject to the following



conditions:-

i. 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 bond shall be cancelled by the Court below.

ii. 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.

iii. 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 antecedent, 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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