

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55375 of 2022

Arising Out of PS. Case No.-45 Year-2021 Thana- SUPAUL District- Supaul

Mohammad Karim S/O Md. Mazlum, Resident of village- Chakla Nirmali,
Ward No- 26, Town + P.S. and District- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Sabiha Hayat, Advocate

For the Opposite Party/s : Mr. Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 22-02-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Ms. Sabiha Hayat, learned counsel appearing on behalf of the petitioner and the learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Supaul P.S. Case No. 45 of 2021 registered for the offence punishable under Sections 396/412 of the Indian Penal Code and Section 27 of the Arms Act.

It is alleged that while the informant along with others were coming on a motorcycle, in the meantime, three accused persons on the point of pistol robbed the informant and others. On the *halla* being raised, it is stated that one of the accused persons has fired, as a result of which the informant sustained gun short injury and on being taken to the hospital, was declared dead.



Learned counsel appearing on behalf of the petitioner submits that the FIR has instituted against unknown miscreants, however, during the course of investigation, one of the co-accused, namely, “Md. Firoz” was apprehended in connection with the present case and on the confession made by him, the name of the petitioner and others have transpired. It is next submitted that the petitioner is in custody since 26.02.2022, however till date neither he has been put on Test Identification Parade nor any incriminating material has been recovered from his possession, showing any complicity of the petitioner in the present crime. She next submits that other co-accused persons having identical allegation, have been allowed the privilege of bail by the learned co-ordinate Bench of this Court in Cr. Misc. No. 57604 of 2021 and Cr. Misc. No. 62524 of 2021 vide order dated 09.05.2022, the copy of which has been annexed as Annexure – 2.

On the other hand, learned APP for the State vehemently opposes the bail application, however, inability has been shown to confront the situation that other co-accused persons have been allowed bail.

Regard being had to the submissions made on behalf of the parties and considering the fact that the name of the petitioner has transpired on the confessional statement of co-



accused persons and neither he has been put on Test Identification Parade nor any incriminating material has been recovered, apart from the fact that the other co-accused persons have been allowed the privilege of bail, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge – VII, Supaul in connection with Supaul P.S. Case No. 45 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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