

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66503 of 2022

Arising Out of PS. Case No.-197 Year-2022 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Md. Masoom Son of Md. Mukhtar Resident of Village - Fatehpur, P.S.-
Muffasil, District - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sada Nand Roy, Advocate
For the Opposite Party/s	:	Mr. Anil Kumar, APP
For the Informant	:	Mr. Sankalp Kumar Gautam, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-03-2023 Heard learned counsel for the petitioner, learned
counsel appearing on behalf of the informant as well as learned
Additional Public Prosecutor for the State.

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.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 302, 386, 506, 504/34 of the
Indian Penal Code and Section 27 of the Arms Act.

According to prosecution case, the petitioner along
with other accused persons had demanded to compromise an
earlier case and Rs. 50,000/- extortion per month and when the
same was denied by the son of the informant, co-accused Md.



Mehboob is said to have fired on the son of the informant which hit him of the left side of the chest and he died whereafter all the accused persons are said to have fled away.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that from bare perusal of the present F.I.R. it transpires that the F.I.R. is in two parts; according to part one that there is general and omnibus allegation against all the accused persons including the petitioner and according to part second that there is specific allegation against Md. Mahboob who fired upon the son of the informant and he died subsequently. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Md. Sanowar has been granted bail by a Co-ordinate Bench of this Court vide order dated 23.12.2022 passed in Cr. Misc. No. 56504 of 2022 and another co-accused person, namely, Md. Mokhtar has been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 17.03.2023 passed in Cr. Misc. No. 55504 of 2022. The petitioner is in custody since 24.04.2022.

The learned counsel appearing on behalf of the



informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner and submits that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner, 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 Court below where the case is pending in connection with Muffasil (Singhaul O.P.) P.S. Case No. 197 of 2022, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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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