

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59815 of 2022

Arising Out of PS. Case No.-201 Year-2022 Thana- SAHPUR District- Patna

ABDUL SATTAR Son of Israil Miyan R/v- Patlapur, P.S.- Shahpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Adv. Ms. Vaishnavi Singh, Adv.
For the Opposite Party/s	:	Mr. Pranav Kumar, APP
For the Informant	:	Mr. R.P. Sharma, Adv. Mr. Vibhuti Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-02-2023 Heard learned counsel for the petitioner, learned counsel for the informant and learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 120(B), 147, 148, 149, 341, 342, 323, 307, 379, 504, 506 of the Indian Penal Code and Section 27 of the Arms Act. Later on Section 302 of the Indian Penal Code was added.

According to prosecution case, it is alleged that co-accused Udai Rai, Rahul Kumar and petitioner Abdul Sattar allegedly caught Rupesh Kumar and started assaulting him with fist and leg and thereafter on the order of one Bhuneshwar



Singh, Rahul Kumar fired at Rupesh but he escaped. Thereafter Suresh Singh, Himanshu Kumar and Shailesh Singh gave order on which Udai Rai fired, causing injury on the chest of Rupesh Kumar and when Rupesh Kumar tried to flee away, Pankaj Kumar snatched golden chain from his neck and Bablu Singh took away Rs. 10,000/-. Thereafter the informant and others brought his son for treatment. The cause of occurrence was that informant's wife Munni Devi has contested the election of Up-Sarpanch in the year 2021 against the wishes of the aforesaid persons and since then they were giving threatening to kill.

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 it appears from the F.I.R. that there is direct allegation of firing against the co-accused namely, Udai Rai. He further submits that the allegation against the petitioner in F.I.R is that he caught hold of the deceased and assaulted him. He further submits that the petitioner has lodged a case against the wife of the informant and the son of the present informant also. Before lodging the present F.I.R., it appears from the F.I.R. itself that due to election, the petitioner has falsely been implicated in this case. He further submits that co-accused namely Suresh Singh, who is



order giver has been granted anticipatory bail vide order dated 19.02.2022 passed in Cr. Misc. No. 51997 of 2022 and co-accused namely, Ganesh singh @ Ganesh Prasad Singh has been granted bail vide order dated 03.02.2023, passed in Cr. Misc. No. 45454 of 2022. The police after investigation submitted charge sheet against the petitioner. The petitioner is in custody since 07.05.2022.

The learned Additional Public Prosecutor and learned counsel for the informant have vehemently opposed the prayer for bail of the petitioner.

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 S.Tr. No. 1025/2022 arising out of Shahpur P.S. Case No. 201 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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