

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1253 of 2022

Arising Out of PS. Case No.-187 Year-2016 Thana- LALIT NARAYAN UNIVERSITY
District- Darbhanga

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Md Wasihat @ Md Wasiyat @ Mohammad Manuar Ali Son of Late Abdul
Samad Resident of Village - Urdu Bazar, P.S. - Laheriasarai, District -
Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No 13

For the Opposite Party/s : Mr. Akhileshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

5 10-01-2023 Heard Ld. counsel for the petitioner and Ld. APP

for the State.

The petitioner seeks bail in connection with L.N.MU

P.S. Case No.187 of 2016 giving rise to S.T. No. 56 of the

2017, registered for the offences punishable under Sections

394, 324, 307 of the Indian Penal Code and subsequently,

Offence under Section 302 was also added.

The prosecution story as emerges from the FIR is

that on 08.08.2016 at around 21:15 informant's brother,

while returning from his shop was assaulted by some

unknown miscreants and a bag containing Rs. 1,25,000/-

was also looted by them. Further, the accused also opened



fire upon the informant's brother as a result of which the victim sustained severe injury over his head.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner was granted regular bail vide order dated 18.05.2017 passed in Cr. Misc. No. 18804 of 2017. However, on account of application for cancellation of the bail on the ground concealment of the material facts, the aforesaid bail order was cancelled vide order dated 03.03.2021 passed in Cr. Misc. No. 13837 of 2020. However, by the aforesaid cancellation order, the petitioner was given liberty to approach this court to renew his prayer for bail if the trial is not concluded within 9 (nine) months. He further submits that more than nine months have elapsed since the aforesaid date of order and trial has not been concluded.

He further submits that the petitioner has been languishing in jail since 25.07.2019.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made



accused in three other cases.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has moved this Court twice for regular bail vide Cr. Misc No. 18804 of 2017 and Cr. Misc. 13837 of 2020.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld.3rd Additional Sessions Judge, Darbhanga in connection with L.N.MU P.S. Case No.187 of 2016 giving rise to S.T. No. 56 of the 2017 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the



court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office



objections.

(Jitendra Kumar, J)

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