

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7585 of 2023

Arising Out of PS. Case No.-292 Year-2022 Thana- SITAMARHI District- Sitamarhi

MD. CHAND Son of Late Md. Bachchn Resident of - Mahsaal (Got), Ward
No.- 5, P.S.- Mahsaal (O.P.), District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jawed Gaffar Khan, Adv.

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 11-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
15.07.2022 in connection with Sitamarhi P.S. Case
No.292/2022, dated 03.05.2022, for the offences punishable
under Sections 307, 394 of the IPC & Section 27 of the Arms
Act.

According to prosecution case, some unknown person
has fired upon the informant, which passed through the left hand
of the informant due to which he fell down on the road.
Thereafter he was taken to hospital for treatment. His mobile
phone was also snatched by the accused persons in the said
occurrence.

Learned counsel for the petitioner submits that the



petitioner has falsely been implicated in the present case. He further submits that the petitioner is not named in the F.I.R. The name of the petitioner has been transpired during investigation on the basis of confessional statement of co-accused, namely, Babul, who is also not named in the F.I.R. He further submits that nothing has been recovered from conscious possession of the petitioner rather the recovery has been made from the co-accused, namely, Babul and till date no T.I.P. has been conducted by the prosecution. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 15.07.2022.

Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner has carried four criminal antecedent other than the present one.

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 C.J.M., Sitamarhi in connection with Sitamarhi P.S. Case No.292/2022, 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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