

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4378 of 2023

Arising Out of PS. Case No.-11 Year-2022 Thana- ARIYARI District- Sheikhpura

MD. SHAHID @ MD. SHAHID IBRAHIMI Son of Kalimuddin R/v-
Ariyari, P.S.- Ariyari, District- Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar

For the Opposite Party/s : Mr.Upendra Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 18-07-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 147, 148, 149, 341, 323, 324, 325, 326, 307, 448, 354 of the Indian Penal Code and section 27 of the Arms Act.

According to the FIR, allegation against the petitioner is of making fire upon the informant due to which he sustained gun shot injury. The accused persons are said to have entered into the house of informant and also assaulted lady members of the family.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case due to land dispute between



the parties. The present case is counter version of Ariyari P.S. Case No. 9 of 2022 filed by the petitioner against the present informant, in which one person was died. It is further submitted that the petitioner is said to have fired upon the informant but injury report shows that the injury sustained by informant is simple in nature. Moreover, the petitioner is languishing in judicial custody since 24.9.2022.

Learned APP appearing for the state and learned counsel for the informant have vehemently opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge him on bail. The above named petitioner is directed to be released on bail in connection with Ariyari P.S. Case No.11 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate 1st, Sheikhpura, subject to following conditions:

(i) If the petitioner tampers with the evidence or threatened the witnesses, in that case, the prosecution will be at livery to move for cancellation of bail.



(ii) In case, the petitioner repeats offence of similar nature after enlargement of bail, his bail-bond will be canceled by the court below.

(Sunil Kumar Panwar, J)

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