

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39979 of 2024

Arising Out of PS. Case No.-623 Year-2023 Thana- SAHARSA SADAR District- Saharsa

Md. Pheku @ Md. Firoz S/o Late Md. Samim @ Shamim @ Sahim R/o vill -
Saharsa Basti, ward no. 31, P.S. - Saharsa, Distt. - Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate

For the Opposite Party/s : Mr. Anant Kumar 1, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 23-10-2024 Heard learned counsel for the petitioner, learned APP
for the State and perused the case diary.

2. The petitioner seeks bail in connection with Saharsa
Sadar P.S. Case No. 623 of 2023 instituted for the offences
under Sections 341, 307, 326, 34 of the Indian Penal Code and
27 of the Arms Act.

3. Prosecution case, in short, is that on the alleged date
and time of occurrence, three miscreants boarded on motorcycle
overtook the motorcycle of the informant and, thereafter, made
indiscriminate firing due to which informant's wife sustained
injuries. It is further alleged that this petitioner along with other
co-accused persons has committed that said incident.

4. Learned counsel for the petitioner submitted that the



petitioner has falsely been implicated in the present case. Learned counsel further submitted that there is a delay of six days in lodging the FIR without plausible explanation, which in itself, raises doubt over the prosecution story. Learned counsel further submitted that informant has named the petitioner only on the basis of disclosure made by local people. Learned counsel further submitted that T.I.P. has not been conducted till date. Learned counsel for the petitioner submitted that general and omnibus allegation has been made against the petitioner. No specific overt act is alleged against the petitioner. Learned counsel further submitted that from perusal of injury report the manner in which the occurrence took place is not corroborated as the injury is stated to be simple in nature caused by hard and blunt object. It has been submitted on behalf of the petitioner that the petitioner is in custody since 30.12.2023 and has one criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing



bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Saharsa Sadar P.S. Case No. 623 of 2023.

(Rudra Prakash Mishra, J)

Alok Verma/-

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