

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38206 of 2024

Arising Out of PS. Case No.-598 Year-2023 Thana- SIKARPUR District- West Champaran

Osim Alam @ Wasim Ahmad, aged about 30 years, Male, Son of Sheikh Maksud @ Maksud Aalam @ Muksud, Resident of Village- Nautanwa, P.S. Shikarpur, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

3 06-09-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Shikarpur P.S. Case No. 598 of 2023 instituted for the offences punishable under Sections 147, 148, 149, 447, 341, 323, 324, 307, 504 and 506 of the Indian Penal Code and Sections 25(1-B)A, 26, 27, 30 and 35 of the Arms Act and later on Section 302 of the IPC was also added.

3. As per the FIR, allegation against the petitioner along with other co-accused persons is of assaulting the informant and his family members by means of deadly weapon.

4. Learned counsel for the petitioner submits that petitioner is innocent has committed no offence and has falsely



been implicated in this case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. Petitioner is not named in the FIR and nothing incriminating articles has been recovered from the conscious possession of the petitioner. Name of the petitioner has surfaced in the present case during course of investigation. During investigation there is no any specific allegation against the petitioner and the specific allegation is against co-accused persons. Petitioner has got no criminal antecedent as stated in para 3 of the petition.

5. Learned APP for the State vehemently opposed the prayer for bail of the petitioner.

6. From perusal of the FIR, case diary, Injury report, postmortem report and the impugned order of the learned District and Sessions Judge, West Champaran, Bettiah dated 24.04.2024, it appears that petitioner is not named in the FIR and has got clean antecedent as stated in para 3 of the petition. Name of the petitioner has been surfaced in this case during course of investigation. Similarly situated co-accused person namely, Mainul Haque @ Moinul Haque @ Mainul Sheikh has been granted anticipatory bail by a Bench of this Court in Cr. Misc. No. 81156 of 2023 vide order dated 20.12.2023, so considering all these aspects, let the above named petitioner be released on bail, in the event of his arrest or surrender before the Court below within



six weeks from today, upon furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, West Champaran Bettiah in connection with Shikarpur P.S. Case No. 598 of 2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Ramesh Chand Malviya, J)

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