

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49304 of 2024

Arising Out of PS. Case No.-155 Year-2022 Thana- NATIONAL HIGHWAY District-
Samastipur

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Md. Syed Danish @ Syed Danish Hashmi, aged about 26 years (Male), Son
of Syed Salahuddin, R/O Village- Inayatpur Parbodhi, P.S.- Sarai, Distt.-
Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Mukesh Kumar Thakur, Advocate
For the Opposite Party : Mr. Anil Kumar Singh No. 1, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 20-08-2024 This matter has been listed under the heading ‘For
Orders (on office notes)’.

2. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

3. The petitioner seeks bail in connection with N.H.
Bangra (Samastipur) P.S. Case No. 155 of 2022 dated
07.12.2022 registered for the offences punishable under
Sections 394 of the I.P.C. and Section 27 of the Arms Act.

4. As per the prosecution case, on 05.12.2022 at about
3.30 P.M. the informant was going to his house from *Patepur* on
his motorcycle bearing Registration No. BR-33AV-4909 and
when he was just 1 K.M. behind *Jivan Saharsa Hospital*, three



unknown persons on a white colour motorcycle were standing there. When he reached there, they stopped him and took out the key of his motorcycle and threatened him. They assaulted him with katta and started abusing him. On protest made by him, they fired on him which hit in his leg. He fell down then the accused persons fled away with his motorcycle. The informant was brought to *Jivan Sahara Hospital* and from there he was referred to *Jivan Deep Hospital*, Patna for his better treatment.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner is not named in the F.I.R. His name has surfaced in the present case on the basis of the confessional statement of the co-accused Sudhanshu Kumar @ Vikki @ Rakesh and Md. Javed @ Niyaz which has got no evidentiary value in the eye of law. No incriminating article has been recovered from the possession of the petitioner. It is further submitted that after investigation, charge sheet has been submitted in the present case. The petitioner has four criminal antecedents and in one case he is on bail as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 06.04.2023.

6. Learned A.P.P. for the State has vehemently



opposed the bail petition of the petitioner.

7. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned J.M. Ist Class, Samastipur in connection with N.H. Bangra (Samastipur) P.S. Case No. 155 of 2022 with further condition:-

(I) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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