

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63858 of 2024

Arising Out of PS. Case No.-11 Year-2024 Thana- SHAMPUR District- Munger

Md. Sahim Son of Late Shekh Sabal Hasan R/O Vill.- Goura, P.S.- Shampur,
Dist.- Munger.

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hafiz Shahbaz Arif, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

4 18-12-2024 Heard the learned Advocate for the petitioner and the
learned APP for the State.

2. The petitioner seeks regular bail, who is in custody in connection with Kharagpur (Shampur) P.S. Case No. 11 of 2024, registered for the offence punishable under Sections 147, 148, 149, 341, 323, 324, 326(a), 307, 302, 504 and 120(B) of the Indian Penal Code.

3. Allegedly, while the son of the informant went to his *sasural* to bring his wife, in the meantime, on account of some dispute, all the accused person abused and assaulted him brutally, leading to his death during the treatment in the hospital.

4. Learned Advocate for the petitioner contended that the narrations made in the FIR clearly suggest omnibus nature of allegation of causing assault against all the nine named accused persons. It is further contended that the petitioner is a septuagenarian ailing person and is unable to move without the



help of the attendant. In support of the aforesaid contention, the photo-copy of the Aadhaar Card has been placed before this Court. It is also the contention of the petitioner that only because of the head of the family, his name has been implicated in this case. Moreover, the petitioner bears fair antecedent and now he has been incarcerated since 15.03.2024. The investigation of the crime is complete and the charge-sheet has been submitted.

5. On the other hand, learned Advocate for the State as well as the informant vehemently opposes the bail application and submits that the FIR clearly demonstrate that the petitioner was having *lathi* in his hand and the post-mortem report suggest the death caused on account of injuries by hard and blunt substance.

6. Regard being had to the submissions made on behalf of the parties and considering the omnibus nature of allegation and the age of the petitioner, coupled with his fair antecedent, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Munger in connection with Kharagpur (Shampur) P.S. Case No. 11 of



2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

shivank/-

U		T	
---	--	---	--

