

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60694 of 2024

Arising Out of PS. Case No.-106 Year-2023 Thana- SUGAULI District- East Champaran

Tasir Alam @ Tashir Alam Son of Rojid Mian @ Rojid Miya Resident of
Village - Ajgari Masjid Tola, P.S.- Banjariya, District - East 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 : Md. Mushtaque Alam, APP

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

ORAL ORDER

3 20-09-2024 Heard learned counsel for the petitioner and
learned APP for the State.

2. Earlier the regular bail of the petitioner was rejected vide order dated 18.03.2024 passed in Cr. Misc. No. 73310 of 2023 (Annexure-1). The present is the second application for regular bail filed on behalf of the petitioner.

3. The petitioner seeks bail in Sugauli P.S. Case No. 106 of 2023, instituted for the offences punishable under Section 394 of the Indian Penal Code and Section 27 of the Arms Act.

4. The prosecution case, in short, is that while the informant was on the way, one accused person stopped his motorcycle and two accused persons standing there opened fire



at the informant due to which he sustained injury.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Charge has been framed in this case. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner further submits that the petitioner is not named in the FIR. Name of the petitioner has transpired on the basis of confessional statement of co-accused Shiv Kumar Sahani and the same has got no evidentiary value. The allegations levelled against the petitioner is not specific, rather general and omnibus in nature. No T.I. parade has been conducted in this case. The petitioner is in custody since 28.07.2023 and has got seven criminal antecedents in which he is on bail.

6. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. A report was called for with regard to the present stage of the case from the Court below. As per report, the charge has been framed under Section 394 of the Indian Penal Code and Section 27 of the Arms Act against the petitioner on 04.03.2024. The case is pending for prosecution evidence and no any witness has been examined in this case.



8. Considering the aforesaid facts and circumstances of the case and taking into account the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

9. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Sugauli P.S. Case No. 106 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

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

(Rudra Prakash Mishra, J)

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