

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63704 of 2024

Arising Out of PS. Case No.-100 Year-2024 Thana- ISLAMPUR District- Nalanda

Md. Ejaj Alam @ Md. Ajaj Son of Late Md. Nezam Miya @ Late Md. Nizamuddin R/O Vill. - Mohalla- North Malah Bigha, P.S.- Islampur, Dist.- Nalanda.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Priya Ranjan, Adv.
For the Opposite Party/s	:	Mr. Jitendra Kumar Singh, APP
For the informant	:	Mr. Yogesh Chandra Verma, Sr. Adv. Mr. Adarsh Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 02-12-2024 Heard Mr. Priya Ranjan, learned counsel for the petitioner and Mr. Yogesh Chandra Verma, learned Senior counsel duly assisted by Mr. Adarsh Singh for the informant as also Mr. Jitendra Kumar Singh, learned APP.

2. The petitioner is in custody in connection with Islampur P.S. Case No. 100 of 2024 for the offence punishable under sections 302 and 34 of the IPC and Section 27 of the Arms Act lodged on 07.03.2024 by the informant, Sanjiv Kumar Singh.

3. As per the prosecution story, while the informant was returning home along with his son, Nisar Alam, Md. Imran Raja, Md. Ezaz started abusing and later allegation is that Md.



Akbar @ Jarlahi fired upon his son Md. Nisar Alam, it hit his chest. The injured was taken to the hospital where he succumbed to the injuries. This led to the FIR.

4. Learned counsel for the petitioner submits that a perusal of the FIR would show that allegation is against his son, Md. Imran Hasan @ Raja that he injured Md. Nesar Alam. Only due to enmity, this petitioner who is the father, a role has been assigned that he is the order giver, the petitioner has remained in custody since 07.03.2024 (para 16 of the petition) and if granted bail, shall be diligently appearing in trial.

5. Learned counsel for the informant, on the other hand, opposes the prayer submitting that but for his order, the son would have never fired upon the injured and as such, he is the main culprit.

6. Taking into account the aforesaid facts as also the submissions put forward by the parties and further direct allegation is against Md. Imran Hasan that he opened fire causing the injury, the role of the petitioner is that of order giver, he has remained in custody since 07.03.2024, in that background, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing



bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Court of ACJM, Hilsa, Nalanda or successor court in connection with Islampur P.S. Case No. 100 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.



8. Before parting, this Court would like to put on record its word of appreciation for Mr. Priya Ranjan and Mr. Adarsh Singh, both appearing on behalf of the petitioner and informant respectively, for the proper assistance rendered in the matter.

(Rajiv Roy, J)

Vijay Singh/-

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