

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60704 of 2024

Arising Out of PS. Case No.-19 Year-2024 Thana- Kotwali District- Darbhanga

Md. Samsher Alam @ Samsher Son of Md. Imam @ Md. Sahjada Resident of
Vill- Purani Munsafi Tedhi Bazar, P.S.- Kotwali, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Nilendu Kumar Choudhary
For the Opposite Party/s :	Mr.Yogendra Kumar
	Mr.Girish Chandra Jha

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 311-12-2024
1. Heard learned counsel for the petitioner, learned APP for the State and the learned counsel appearing on behalf of the informant.

2. The petitioner seeks bail in a case registered for the offences punishable under Sections 147, 148, 149, 504, 324 and 307 of the Indian Penal Code.

3. The learned counsel for the petitioner submits that the petitioner has antecedent of two cases and the informant that her son had gone to smart bazar where Md. Sahil and Sahnawaj started assaulting her son by lathi, bamboo, farsa and knife. Thereafter, other accused persons along with 8-10 unknown accused persons also assaulted her son and fled thinking he is dead.



4. The learned counsel for the petitioner submits that the FIR has been instituted by the mother of the deceased. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that informant is not an eye witness to the occurrence, but then, has named the accused persons that as to who assaulted the deceased and where. It is next submitted that it absolutely does not stand to reason that on what basis the informant alleges that role of the accused persons including the petitioner in the occurrence, when she has not seen the occurrence, nor the FIR even remotely suggest that the informant was informed by any witness about the occurrence. It is further submitted that petitioner, being uncle of Md. Sahil and Sahnawaj, came to be implicated in the instant case. It is next submitted that no doubt, the son of the informant died during the course of treatment, but then, the entire allegation hinges around suspicion. It is further submitted that petitioner is in custody since 03.07.2024 and the charge-sheet has been submitted, as such, no useful purpose would be served by keeping the petitioner in jail. It is also submitted that petitioner will not abscond rather will cooperate in the trial.

5. Learned A.P.P. and the learned counsel appearing on behalf of the informant opposes the bail application. The



learned counsel appearing on behalf of the informant submits that Md. Ekram Ali @ Sahnawaz had approached this Court seeking regular bail by filing Cr. Misc. No.66287 of 2024 and the same came to be rejected by a learned Coordinate Bench by an order dated 03.10.2024 on the ground that the deceased was assaulted by named accused persons including Md. Ekram Ali, on which the learned counsel appearing on behalf of the petitioner submits that earlier to Md. Ekram Ali, Dr. Md. Irshad @ Md. Irshad had approached this Court seeking anticipatory bail by filing Cr. Misc No.63913 of 2024 and the same was allowed by this Court by an order dated 10.09.2024 i.e. Dr. Md. Irshad was granted the privilege of anticipatory bail prior to the regular bail application of Md. Ekram Ali being considered.

6. Considering the submissions made by the learned counsel appearing on behalf of the petitioner, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Darbhanga in connection with Kotwali P. S. Case No.19 of 2024.

7. The application stands allowed.

8. However, in the event, if the learned trial Court



comes to a conclusion that the petitioner after his release is trying to delay the trial in any manner, the learned trial Court shall forthwith cancel his bail bonds after recording reasons and shall take all coercive steps to ensure that petitioner is behind bar.

(Satyavrat Verma, J)

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