

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79882 of 2024

Arising Out of PS. Case No.-74 Year-2023 Thana- MOUZAHDIPUR District- Bhagalpur

Md Sabir @ Md Sabir Khan, Son of Late Salimullah, Resident of Mohalla-
Maulanachak , P.S- Mozahidpur, District- Bhagalpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 14-11-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner in this case is seeking regular bail in connection with Sessions Trial No. 467 of 2024 arising out of Mojahidpur P.S. Case No. 74 of 2023 in which cognizance has been taken for the offences punishable under Sections 302, 120(B)/34 of the Indian Penal Code and Section 25(1-b)a, 27 of the Arms Act. He has got two criminal antecedents. He is in custody since 22.10.2024.

3. As per the prosecution story, the informant alleged that on 22.02.2023 at about 05:30 PM, the co-accused Md. Afsar, Md. Adnan and Md. Afroz @ Kallu shot at her son-in-law, namely, Imran @ Kallu and fled away. It is alleged that this petitioner (former ward member), his nephew, namely, Sonu and Sikander were also involved in this occurrence on account of

dispute relating to ward election. It is further alleged that the co-accused Rahmat Kuraishi, Shahjahan @ Pasha, Md. Aftab and Md. Saddam had earlier fired on the son-in-law of the informant. The informant has further alleged that Md. Istiyak, Md. Guddu and Fulwali Rani were also involved in the alleged occurrence.

4. Learned counsel for the petitioner submits that this petitioner had been granted privilege of anticipatory bail by this Court vide order dated 11.10.2023 passed in Criminal Miscellaneous No. 44828 of 2023 after perusal of the case diary wherein the I.O. did not find any material on the point of involvement of this petitioner. However, the petitioner disclosed only one criminal antecedent due to which his bail bond was cancelled and he was taken into custody.

5. Learned counsel further submits that the co-accused, namely, Md. Saddam had been granted privilege of anticipatory bail by a learned Co-ordinate Bench of this Court in Cr. Misc. No. 46858 of 2023.

6. Learned APP for the State has opposed the prayer for bail of the petitioners.

7. Having regard to the facts and circumstances of the case wherein this Court finds that this petitioner had been

granted privilege of anticipatory bail by this Court vide order dated 11.10.2023 passed in Criminal Miscellaneous No. 44828 of 2023 after perusal of the case diary and noticing paragraph '180' of the case diary wherein the I.O. did not find any material on the point of involvement of the petitioner and the co-accused Md. Saddam and said co-accused Md. Saddam had been granted privilege of anticipatory bail by a learned Co-ordinate Bench of this Court in Cr. Misc. No. 46858 of 2023, in fact, the petitioner had submitted a bail bond pursuant to the order of this Court and he was released on bail but later on, it was found that he had disclosed only one criminal antecedent in his petition before this Court whereas he had two criminal antecedents and this is the reason why his bail bond was cancelled and he has now been taken into custody, this Court is of the opinion that for his fault in not declaring both the criminal antecedents in petition, the petitioner has already suffered incarceration since 22.10.2024, on merit of the case, this Court has noticed paragraph '180' of the case diary in its earlier order dated 11.10.2023 passed in Criminal Miscellaneous No. 44828 of 2023 and in that view of the matter, this Court directs release of the petitioner above-named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like

amount each to the satisfaction of learned Additional District & Sessions Judge-XI, Bhagalpur in connection with Sessions Trial No. 467 of 2024 arising out of Mojahidpur P.S. Case No. 74 of 2023, subject to the condition as laid down under Section 437 (3) Cr.P.C.

8. And further condition that the learned court 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 learned court shall take steps for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

9. This application is allowed.

(Rajeev Ranjan Prasad, J)

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