

IN THE COURT OF THE SESSIONS JUDGE, SAHARSA

Regular Bail Appl. No. 872/ 2022

Md. Pajir Uddin @ Pajir Shekh.....petitioner	Versus	The State of Bihar
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Order

14.10.2022: Bail application has been filed on behalf of accused-petitioner, namely, Md. Pajir Uddin @ Pajir Shekh who is in custody since 11.09.2022 in connection with Saharsa-Sadar P. S. Case No. 325/2019 dated 03.04.2019 registered for committing offence under Sections 188, 147, 148, 149, 341, 323, 307, 353, 224, 225 of the Indian Penal Code and Section 25(1-b)a, 26/35 of the Arms Act pending in the Court Ld. C.J.M, Saharsa which is pressed.

2. Heard Sri Shivendra Jha, learned counsel of the petitioner, Sri R. P. Yadav, learned P. P. for the State and perused the case record.

3. The prosecution case based on self statement of Rajmani, S.H.O, Saharsa P. S, in brief, is that on 03.04.2019 at about 20:30 PM he received information about renowned criminal namely Md. Shityar who is coming to his home, police party raided there and found the said criminal in a tea stall who tried to escape from there, was apprehended whose person was searched and found two two loaded pistol and number of live cartridges were recovered from the possession of the said criminal. On his search, the apprehended raised hue and cry also abused police party later on when the apprehended was taken on police vehicle many people of the locality assembled there prohibiting police team to arrest the criminal. All of them abused and pelted stone and bricks upon police team and the mob tried to snatch rifles and cartridges from police personnel. Ultimately they successfully released the apprehended from custody of police. Thereafter, police party returned and managed to raid again within the locality and got the names of the miscreants who had facilitated the criminal to flee away. Five accused persons were arrested however altogether 14 persons have been prosecuted in this case.

4. It has been urged on behalf of the accused that there is no specific allegation of overt act against the petitioner rather recovery of arms and ammunitions have been made from the possession co-accused-Md. Sityar. There is no substantive evidence to connect the involvement of the petitioner in the commission of crime. Further urged that co-accused persons, namely, Md. Mosim Alam, Md. Razi Ahmad,

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Continued

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Md. Ashraf Ali, Md. Nizamuddin and Md. Imtiyaz have been granted bail by this Court vide order dated 06.05.2019 passed in RBA-No. 235/2019, RBA-No. 239/2019, RBA-No. 246/2019, RBA-No. 251/2019 and RBA-No. 256/2019. Co-accused facing trial in S. T. No. 162/2022 even the record is pending for prosecution evidences and the supplementary charge-sheet has been submitted against the petitioner who is in custody since 11.09.2022. Therefore, he may be admitted to bail.

5. Ld. P. P. for the State has opposed the prayer for bail but has conceded that there is no specific allegation levelled against the petitioner and co-accused persons have been granted bail by this Court. Lastly conceded that supplementary charge-sheet has been submitted against the petitioner and he bears no criminal history.

6. Considering the facts and circumstances of the case, the omnibus nature allegation levelled against the petitioner and co-accused persons have been granted bail by this Court the fact that he is in custody since 11.09.2022, he is ordered to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court below “with condition that he shall remain physically present before the Court after cognizance till framing of charge after that do proper pairvi in Court on each date fixed in this case. In the even of failure to appear before the Court on two consecutive dates without showing any genuine reason, the Court will be at liberty to cancel the bail bond of the petitioner.”

Dictated & corrected by me

Sd/-

Sessions Judge,