

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40437 of 2024**

Arising Out of PS. Case No.-51 Year-2024 Thana- GAYA MUFASIL District- Gaya

MOHAMMAD UMAIR SON OF MOHAMMAD MURTJA Resident of Bari Road, Near Chatta Masjid, District - Gaya and presently resident of Aliganj, P.S. - Rampur, District - Gaya

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Dubey, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

3 02-08-2024

1. Heard learned counsel for the petitioner, Mr. Chandra Bhushan Prasad learned A.P.P. for the State and learned counsel appearing on behalf of the informant.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 337, 307, 504 and 506/34 of the Indian Penal Code as well as Section 27 of the Arms Act.

3. Learned counsel for the petitioner, at the outset, submits that Md. Shamsad @ Md. Shamsad had earlier approached this Court, seeking anticipatory bail by filing Cr. Misc. No. 35714 of 2024 and the same was allowed by an order dated 25.06.2024 after considering his case in detail. It is further submitted that allegation of firing is against co-accused Vishnu Pandey who has already surrendered and the case of the



petitioner is akin to the case of Md. Shamsad @ Md. Shamsad, as such, based on parity seeks anticipatory bail.

4. Learned A.P.P. for the State and the learned counsel appearing on behalf of the informant opposed the prayer for anticipatory bail of the petitioner but then the learned counsel appearing on behalf of the informant fairly submits that the case of this petitioner is also similar to that of Md. Shamsad @ Md. Shamsad. It is further submitted that after Md. Shamsad @ Md. Shamsad was granted the privilege of anticipatory bail, he is threatening the informant for which a Sanha has also been given to the S.H.O., Mufassil Police Station, Gaya. It is next submitted that Md. Shamsad @ Md. Shamsad was granted the privilege of anticipatory bail with a condition that if charge-sheet is submitted against him, in that event, the present anticipatory bail order shall lose its effect and the learned trial court shall take all coercive steps to ensure that petitioner is behind bar. It is also submitted that the police is not investigating the case with promptness.

5. Considering the submissions made by the learned counsel appearing on behalf of the petitioner, let the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be



released on anticipatory bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty-five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Gaya Mufassil P.S. Case No. 51 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

6. However, it is made clear that if charge-sheet is submitted against the petitioner, in that event, the present anticipatory bail order shall lose its effect and the learned trial court shall take all coercive steps to ensure that petitioner is behind bar.

7. The Senior Superintendent of Police, Gaya is also directed to ensure that the case is investigated with all promptness.

8. Let a copy of this order be communicated to the Senior Superintendent of Police, Gaya.

(Satyavrat Verma, J)

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