

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14564 of 2016

Arising Out of PS.Case No. -256 Year- 2014 Thana -SIWAN CITY District- SIWAN

1. Aklakh Ahmad Son of Jamaluddin resident of Sukul Toli, P.S.- Siwan Town, P.O. and District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Bhushan Verma

For the Opposite Party/s : Mr. S.D.Singh Yadav(App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 21-06-2016

Heard learned counsel for the petitioner and learned

A.P.P. representing the State.

The petitioner seeks bail in connection with Siwan Town P.S. Case No. 256 of 2014 in Session Trial No. 438 of 2014 registered for the offences punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

Tabrej Alam, the son of the informant and Irsad were shot by un-known miscreants and during treatment, Tabrej Alam died whereas, Md. Irshad was referred to P.M.C.H., Patna. During investigation, two witnesses have stated that it was Chandan Chaudhary and petitioner and others who made firing

on the deceased and injured Md. Irshad, vide paras 47 and 48 of the case diary and further the spy of the police has also stated the name of the petitioner and others vide para 101 of the case diary.

Submission is of false implication and that besides suspicion, there is nothing against the petitioner, the statement of injured Md. Irshad, an eye witness has not been recorded and without conducting proper investigation, chargesheet has been submitted against the petitioner also, resulting, the petitioner is in custody since 18.08.2014. During trial witnesses, namely, Aslam and Sagir Ahmad have not supported the earlier statement which is evident from impugned order itself. Co-accused Md. Noman has already been allowed bail vide Cri. Misc. No 44910 of 2015 and, as such the petitioner also deserves sympathetic consideration to which the learned APP does not oppose.

In the facts and circumstances stated above, the petitioner, above named, is also directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge- IIInd, Siwan in connection

with Siwan Town P.S. Case No. 256 of 2014 in Sessions Trial No. 438 of 2014 subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

sushma/-

U		T	
---	--	---	--