

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4681 of 2019

Arising Out of PS. Case No.-109 Year-2018 Thana- SIKTA District- West Champaran

SHEIKH JULFKAR @ SHEIKH JULFKAR ALI @ SHEIKH BHOT @
ZULFKAR @ BHOT, Son of Sheikh Ejajul, Resident of Village-
Mahammadwa, P.S.- Gopalpur, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 29-01-2019 Heard leaned counsels for the petitioner, informant
and the State.

The petitioner is languishing in custody since
26.10.2018 in a case registered for the offences punishable
under Sections 307 and 34 of the Indian Penal Code and Section
27 of the Arms Act.

The prosecution case as per the written report of
Quamrul Hoda submitted to the S.H.O., Sikta P.S. is to the effect
that on 25.10.2018, the informant along with his grand son,
Sheikh Istkhar went to kiln to inspect the work of the labourers
and when they were returning home. As soon as they reached
home informant heard sound of gun shot firing. When the
informant reached at the spot of the gun shot firing, he found



his grand son soaked in blood. On enquiry, his grand son disclosed the name of nine accused persons including the petitioner, who resorted to fire upon him.

It is submitted by learned counsel from the petitioner that the informant is not the eye witness to the said occurrence. It is further submitted that the statement of the injured, Sheikh Istkhar recorded during investigation, where he stated that he did not recognize any of the shooter persons who fired upon him. A statement to that effect has been made in paragraph no.7 of the petition, which reads as follows:

“7. That the case has been lodged with general allegation that Sheikh Istkhar disclosed that eight persons including the petitioner while fleeing away after firing, but statement of the injured Sheikh Istkhar has been recorded on paragraph no.41 of the case-diary, wherein he has clearly stated that he saw none firing on him.”

A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned counsel for the informant submits that the petitioner is named in the FIR as one of the shooter.

Considering the fact that the informant named the petitioner and other co-accused persons on the basis of statement of the victim but the victim has not named the petitioner in the statement recorded during investigation,



coupled with the fact that a statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on bail, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned **S.D.J.M., West Champaran at Bettiah**, in connection with **Sikta P.S. Case No.109 of 2018**.

The bail bonds of the petitioner shall be accepted by the learned Court below on verification of the fact that the victim in his statement recorded during investigation, has not named the petitioner. If it is found that the victim has named the petitioner during investigation, the bail bonds of the petitioner will be cancelled.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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