

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53715 of 2019

Arising Out of PS. Case No.-498 Year-2018 Thana- SIWAN CITY District- Siwan

Shamshad Ali @ Samsad Ali S/O Hasan Imam Resident Of Masjit Ke Samne
Makhdum Sarai, Mirsika Toli Siwan, P.S.- Siwan Town, District- Siwan
... .. Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr.Satyendra Rai, Advocate
For the State : Mr.Ahmad Ali, Advocate
For the informant : Mr. Krishna Kant singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 04-12-2019 Heard learned counsel for the parties and perused the case diary.

Petitioner is an accused in a case registered for the offence punishable under sections 302/120B of the Indian Penal Code read with section 27 of the Arms Act.

Informant alleges that three accused persons opened fire on his son causing firearms injuries resulting into his death in course of the treatment.

Learned counsel for the petitioner submits that three persons have been named in the FIR with specific allegation but the petitioner has not been named therein. Petitioner has been implicated in this case due to his own confession made during investigation that he too fired at the victim. Besides his confession, no incriminatory evidence has come against the petitioner to connect him with the offence. There is no eye witness to the occurrence. Petitioner is in custody since 31.8.2018. There is no allegation that the petitioner ever tampered the evidence. Similarly situated co-accused Firoz has already been allowed bail by a bench of this Court vide order



dated 25.4.2019, passed in Cr.Mis.No. 8247/2019.

Learned counsel for the informant opposes the prayer for bail.

In view of the facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner, mentioned above, 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 the Additional Sessions Judge VII, Siwan in Siwan Town Police Station Case No. 498 of 2018/ Sessions Trial No. 197 of 2019 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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