

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21802 of 2021**

Arising Out of PS. Case No.-656 Year-2020 Thana- TURKAULIYA District- East
Champaran

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EHTESHAB ALAM Son of Late Intezar Ahmad Resident of Village-
Jaisinghpur Tola Retwa, P.S.- Turkaulia, District- East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shakil Ahmad Khan, Adv
For the Opposite Party/s : Mr.Shantamu Kumar, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

5 11-01-2022 Heard learned counsel for the petitioner and the

learned A.P.P. for the State in virtual Court proceeding.

The petitioner seeks bail in connection with Turkaulia
P.S.Case No.656 of 2020 registered for the offence under
Sections 147,148,149,302 of the Indian Penal Code and Section
27 of the Arms Act.

The prosecution case, in short, is that as per written
statement of the informant is that on 11.09.2020 at around 1.30
P.M. informant and his brother were on his bike. After offering
prayer of Namaz then at Turkaulia Pulwaghat, all FIR named
accused persons alongwith 2-3 unknown miscreants surrounded
the informant and his brother, accused-Saddam Hussain stopped
motorcycle and threw away the key from motorcycle, accused-



Awsaaf Alam and Asgar Aalam ordered to kill both the brothers. Then, accused Ehteshab Alam, Mushtaq Ahmad, Lal Babu and Nazir Ahmad started firing upon the informant and his brother and killed informant's brother Motiur Rahman thereafter he was taken to hospital where he was declared dead.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that it appears from the FIR that the allegation that two firearm injury has been found on the deceased. He further submits that the petitioner has falsely been implicated in this case due to previous land dispute which is going on long back. He further submits that the brother of the petitioner has lodged Turkaulia P.S.Case No.771 of 2015 in which the informant is accused. He further submits that as per FIR two persons who have fired upon the deceased but the enquest report which is part of this FIR and postmortem report there is one entry and one exit injury was found. Petitioner is in custody since 12.09.2020.

Report of the learned Trial Judge would reveal that the case is still pending for prosecution witnesses. Till date, only three witnesses have been examined.

Learned A.P.P. for the State has opposed the prayer



for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the aforesaid fact and period of custody, let the petitioner, above named, 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 Chief Judicial Magistrate, East Champaran at Motihari in connection with Turkaulia P.S.Case No.656 of 2020 with 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/her absence on two consecutive dates without sufficient reason, his/her 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the



acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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