

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16103 of 2022

Arising Out of PS. Case No.-245 Year-2021 Thana- MANIHARI District- Katihar

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1. IRSHAD ALI @ IRSHAD Sk. Naushad Ali Resident of Village- Baldiya Bari, P.S.- Manihari, District- Katihar.
 2. Sk. Jahid Son of Sk. Buniyad Ali Resident of Village- Baldiya Bari, P.S.- Manihari, District- Kaithar.
 3. Sk. Mustaque Son of Sk. Abid Resident of Village- Baldiya Bari, P.S.- Manihari, District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N. A. Shamsi, Adv.

For the Opposite Party/s : Mr. Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-07-2022 Heard learned counsel for the petitioners and the
learned A.P.P. for the State.

The petitioners seek bail in a case registered for the offence under Sections 147, 148, 149, 447, 324, 307, 302, 504, 506/120(B) of the Indian Penal Code and Section 27 of the Arms Act.

The petitioners along with others are said to have fired upon Sanjay Yadav resultantly he died. It is further alleged that Md. Afzal also fired upon the informant but somehow he managed to save himself.

Learned counsel appearing for the petitioners



submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that there is general and omnibus allegation against the petitioners rather the specific allegation of firing upon the deceased, Sanjay Yadav, is attributed to the co-accused, Madan Yadav and Md. Afzal. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioners. The petitioners are rotting in judicial custody since 24.12.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners and submits that petitioner No.1 bears clean antecedent whereas petitioner Nos. 2 and 3 carrying two more cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Manihari P.S. Case No. 245 of 2021 with the following conditions:-

(1) Petitioners 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 canceled by the Court below.

(2) If the petitioners tamper 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 petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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