

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20371 of 2022

Arising Out of PS. Case No.-96 Year-2015 Thana- PAKRIDAYAL District- East Champaran

Shahid Khan @ Anwarulhaque Khan S/O Sahabudin Khan R/o village-
Chorma, P.S.- Pakaridayal, District- East Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate.

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 19-07-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the learned
APP for the State.

Petitioner seeks regular bail in connection with
Pakaridayal P.S. case no. 96 of 2015 registered for the offences
punishable under Sections 302, 120(B) of the Indian Penal Code
and Section 27 of the Arms Act.

As per allegation, there was a dispute between co-
accused Bachchu Rai and the deceased Rakesh Kumar @ Pankaj
which was concerned to a shop situated in front of the shop of
accused Bachchu Rai, on account of said dispute accused Bachchu
Rai threatened to kill the deceased and thereafter on 14.07.2015
two unknown persons came on a motorcycle and caused fire arm
injury to the deceased who consequently died at the spot.

The main submissions advanced by learned counsel for



the petitioner are that against the petitioner there is no any legal evidence, his role in the commission of alleged crime surfaced in the statement of co-accused Bachchu Rai and Mahesh Kumar who have been granted regular bail by co-ordinate benches of this Court vide orders passed in Cr. Misc. No.45145 of 2015 and 50764 of 2015 and if the confessional statements of co-accused persons are believed even then the main allegation as to causing fire arm injury to the deceased appears against co-accused chote Lal. Further submission is that against the petitioner there is no criminal antecedent and he has been languishing in jail since 11.10.2021.

Learned APP has opposed the prayer for bail.

In view of the above submissions and taking into account the privilege of bail granted to co-accused namely Ajay Rai, Mahesh Kumar and Shyam Kumar by different benches of this Court vide orders passed in above mentioned Cr. Misc. cases and in respect of the involvement of the present petitioner in the alleged crime the prosecution is mainly relying on the statement of co-accused persons as reflects from the order of learned Court below, in my view a lenient approach can be taken in respect of petitioner's prayer let the 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 concerned



Court in connection with Pakaridayal P.S. case No. 96 of 2015 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 below and shall remain physically present as directed by the Court below 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.

(3) One of the bailers shall be close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(4) The Court below will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent of the petitioner is found then the Court below shall take serious action against him for cancellation of his bail bond.

(Shailendra Singh, J)

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