

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32271 of 2022

Arising Out of PS. Case No.-162 Year-2021 Thana- KANHAULI District- Sitamarhi

Ashique Shekh S/o Gaffar Shekh Resident of Village- Bishunpur Adhar, P.S.-
Kanhauli, District- Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 31-08-2022 The learned counsel for the petitioner is directed to re-

move all the defects pointed out by the Stamp Reporter within one
month.

Mr. Sanjay Kumar, learned counsel for the petitioner
and Mr. Shyam Kumar Singh, learned APP for the State are
present.

Petitioner seeks regular bail in connection with Kan-
hauli P.S. case no. 162 of 2021 registered for the offences punish-
able under Sections 457, 380, 511 of the Indian Penal Code and
Section 25(1-b) a of the Arms Act.

As per allegation the petitioner entered into the house of
the informant in the night with an intention to commit theft but in
the meantime the informant and her family members woke up and
caught the petitioner, during that course the petitioner made an at-
tempt to flee and in that course he assaulted at the head of the in-
formant by back portion (butt) of a country made pistol and even



then he was caught hold by the informant and his family members and thereafter the police arrived at the informant house and arrested the petitioner alongwith country made pistol.

The main submissions advanced by Mr. Sanjay Kumar, learned counsel for the petitioner are that against the petitioner there are three other criminal cases in which he is on bail and in the instant matter the alleged fire arm which was not used by this petitioner as per the FIR at the time of committing the alleged occurrence, was produced by the informant and the same was not recovered by the police. Further submission is that in the present case there is no question of any recovery and the present FIR clearly shows that the petitioner did not fire by using the alleged country made pistol while resisting to make himself free from the clutch of the informant's family members and he has been languishing in jail since 16.12.2021 and he has undergone most of the part of the punishment prescribed for the alleged offence.

Mr. Shyam Kumar Singh, learned APP has opposed the prayer for bail.

Heard both the sides and perused the FIR. Though a serious allegation appears against the petitioner but considering his custody period and also the fact that as per petitioner's counsel the petitioner has been chargesheeted and his case is at initial stage of trial so in the light of these facts as well as considering the above



submissions, 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 Kanhauli P.S. case No. 162 of 2021 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 tamper 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 a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

siddharthkr/-

U		T	
---	--	---	--

