

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37500 of 2022

Arising Out of PS. Case No.-144 Year-2021 Thana- SAHEBPUR KAMAL District-
Begusarai

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Md. Nishad Son Of Md. Shamshad Resident Of Ward No.-16 Lakhminia
Pachchim Tola Phool Chowk, P.S.- Ballia, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abul Kalam, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 20-09-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 393, 397, 307/34 of the
Indian Penal Code and Section 27 of Arms Act.

According to prosecution case, in short is that one
Kundan Kumar Singh has given his fardbeyan on 30.06.2021
alleging therein that the date of occurrence is on 29.06.2021
when he alongwith his uncle Arun Singh was returning on
motorcycle from the village Dhabauli to his village after
participating fists on the ceremony of Chhatihari of one of his
relative namely Bipin Singh. The informant has stated that he
was driving the motorcycle and his uncle namely Arun Singh



was sitting behind his motorcycle and when the informant and his uncle have reached near Barkhada petrol pump then all of sudden co-accused persons have came before him and due to which the informant has slow down his motorcycle then two accused persons have brought down the weapons from his waist and all the four unknown accused persons were tried to looted to the informant on the pistol point. Thereafter the informant has started to fled away by his motorcycle and the accused persons have shot fired to the informant and his uncle. When the informant has passed the some distance from the place of occurrence his uncle namely Arun Singh has stated that blood was oozing from his shoulder and he has sustained fire arm injury over his shoulder. Thereafter the informant has brought his uncle for treatment and informant has given the information to the police. The informant has further alleged that four unknown miscreants have committed the incident and due to failure in commission of crime the miscreants have shot fired to one Arun Singh who is happens to be uncle of the informant.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case only on the basis of confessions statement of co-accused and self confessional statement of the petitioner. He



further submits that in fact for the same occurrence two F.I.R. have been registered one Sahebpur Kamal P.S. Case No. 144 of 2021 and another Sahebpur Kamal P.S. Case No. 145 of 2021. He further submits that petitioner has granted bail in Sahebpur Kamal P.S. Case No. 145 of 2021 vide order dated 23.05.2022 passed in Cr. Misc. No. 64017 of 2021. He further submits that nothing incriminating article has been recovered from the conscious possession of the petitioner and the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused persons, namely, Md. Tanveer has been granted bail by a co-ordinate Bench of this Court vide order dated 09.05.2022 passed in Cr. Misc. No. 67127 of 2021 and another co-accused namely, Md. Akbar has been granted bail by this Court vide order dated 22.08.2022 passed in Cr. Misc. No. 24324 of 2022. The petitioner is in custody since 13.07.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, 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 the learned Court



below where the case is pending in connection with Sahebpur
Kamal P.S. Case No. 144 of 2021, subject to 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.

3. 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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