

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52642 of 2022

Arising Out of PS. Case No.-367 Year-2021 Thana- SIWAN CITY District- Siwan

NOOR ALAM S/O MAKBUL AHMAD Resident of Mohalla- Jurkan Near Masjid, P.S.- Hussainganj, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh
For the Opposite Party/s : Mr.Umanath Mishra

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-12-2022 Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks bail in connection with Sessions Trial No. 424 of 2021 arising out of Siwan Town P.S. Case No. 367 of 2021 registered for the offences punishable under Sections 302, 120(B), 34 of the Indian Penal Code and Section 27 of Arms Act.

As per prosecution case, it is alleged that the co-accused Guddu Agrawal, Affaz Ali alongwith other are alleged to have concertedly committed the murder of informant's father by making indiscriminate firing on him.

Learned counsel for the petitioner submits that



petitioner is not named in the FIR. His name has been transpired in the case upon the confessional statement of co-accused Afaz Ali. Except confessional statement of co-accused there is nothing on record to demonstrate the complicity of petitioner with the alleged occurrence. He further submits that petitioner is in custody since 03.09.2021 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that no incriminating article has been recovered from the conscious possession of the petitioner. He further submits that FIR named accused Guddu Agrawal@ Ajay Kumar has already been granted bail vide Cr. Misc. No. 63585 of 2021 by this Court and the case of present petitioner stands on better footing as he is not named in the FIR.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, petitioner is not named in the FIR and FIR named accused has already been granted bail by this court, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced



on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VIII, Siwan in connection with Sessions Trial No. 424 of 2021 arising out of Siwan Town P.S. Case No. 367 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

vashudha/-

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