

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62863 of 2021**

Arising Out of PS. Case No.-257 Year-2017 Thana- BASANTPUR District- Siwan

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AHMED ALI @ AHMED @ AMJAD @ LAMBU S/o- Shamsuddin Resident
of Village- Chaurawan, P.S.- Thawe, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arbind Kumar Singh
For the Opposite Party/s : Mr.Rabindra Kumar

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**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

3 26-09-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Basantpur
P.S. Case No. 257/2017 registered for the offences punishable
under Sections 302, 120 (B) of the Indian Penal Code and
Sections 25(a-b)a, 26, 27 of the Arms Act and ¾ of the
Explosive Substance Act.

As per prosecution case, as alleged by the informant is
that while she alongwith her daughter and son were sleeping at
night, at about 2 PM, she heard a sound of firing and found the
FIR named accused persons armed with weapons were coming
out from the room of her son, who was found dead.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this



case due to dirty village politics. The petitioner is not named in the FIR. The name of petitioner transpired in this case on the basis of confessional statement of co-accused, Raheem Hussain and Sahjad. Except confessional statement there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. The petitioner is languishing in custody since 14.09.2020 and bears criminal antecedent of two cases in which he is on bail. No incriminating article has been recovered from the conscious possession of the petitioner. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. Co-accused, Raheem Hussain and Sahjad Ali who confessed the name of petitioner, have been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No.41447/2018 and 56617/2017 and the case of present petitioner stands on better footing.

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 is more than two years, petitioner is not named in the FIR, argument advanced on behalf of both sides, charge sheet has already been submitted in this case and there is



no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-VIth, Siwan in connection with Basantpur P.S. Case No. 257/2017, 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)

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