

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64478 of 2021

Arising Out of PS. Case No.-17 Year-2019 Thana- BHITAHA District- West Champaran

Sharif Sai @ Sharif Ansari Son Of Late Gulab Sai Resident Of Village- Arar
More, Haziypur, P.S.- Gopalganj, District- Gopalganj

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mohammad Sufyan
For the Opposite Party/s : Mr. Pranav Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 01-04-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case registered for the offences punishable under Sections 394, 302 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

The learned counsel for the petitioner submits that the petitioner is in custody since 09.02.2021, charge-sheet has been submitted in the case and has antecedent of six cases.

The learned counsel for the petitioner submits that the informant alleges that his brother had gone to Bhuidharwa Shekhpatti for collecting, but was shot dead by unknown criminals.

The learned counsel for the petitioner submits that the F.I.R. was against unknown. There is no eye witness to the



occurrence and his name transpired during the course of investigation based on confession of co-accused. The learned counsel further submits that the petitioner has been made an accused merely because of his antecedent. It is also submitted that co-accused Alauddin @ Musa @ Allauddin has been granted bail by order dated 16.10.2019 in Cr. Misc. No.40888 of 2019.

The learned A.P.P. for the State opposes the bail application.

Considering the fact that the petitioner is in custody, charge-sheet has been submitted in the case and is not named in the F.I.R. and his name transpired in the confession of a co-accused and co-accused Alauddin has been granted bail, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Bhitaha P. S. Case No.17 of 2019, with a condition that petitioner will have to mark his attendance before the concerned police station in between 18th to 22nd of every month commencing from April, 2022, till the charges are not framed. In the event, the concerned police station reports to the



learned Court below that petitioner has violated the condition imposed as aforesaid in any of the month before framing of charge, the learned Court below will be at liberty to cancel his bail bonds.

The application stands allowed.

(Satyavrat Verma, J)

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