

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10843 of 2023

Arising Out of PS. Case No.-471 Year-2022 Thana- PHULWARISHARIF District- Patna

SAIF SHEIKH @ ANWARULLAH HASHMI Son of Md. Moizuddin R/o
Bauli, P.S- Phulwarisharif , Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shekhar Kumar Singh, Adv.

For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
18.05.2022 in connection with Phulwarisharif P.S. Case No.
471/2022, F.I.R. dated 07.05.2022, for the offences punishable
under Sections 307 and 34 of the Indian Penal Code and Section
27 of the Arms Act.

According to prosecution case, the petitioner along
with his companion are alleged to have fired upon the informant
due to which, he sustained gunshot injury on his right elbow.

Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that as per
F.I.R., the allegation against the co-accused person namely



Ahashan Khan @ Monu, who fired upon the informant and the allegation against the petitioner is that he also fired upon the informant but the same is inflicted to other person and the co-accused, namely Ahashan Khan @ Monu against whom there is allegation of firing has been granted bail by a co-ordinate Bench of this Court vide order dated 20.04.2023 passed in Cr. Misc. No. 2701/2023 and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 18.05.2022.

Learned Additional Public Prosecutor for the State on the other hand 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 A.C.J.M.-XIV, Patna in connection with Phulwarisharif P.S. Case No.471/2022, 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)

amit/-

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

