

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14178 of 2023**

Arising Out of PS. Case No.-92 Year-2022 Thana- HUSSAINGANJ District- Siwan

MD. FAISAL @ TAUFU @ FAISAL @ FAISHAL @ MD. FAISHAL Son of
Late Samsul Hoda R/V/- Takiya, Bangkat, P.O. and P.S. and District-
Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Y.V. Giri, Sr. Adv. Mr. Ashish Giri, Adv. Ms. Riya Giri, Adv.
For the Opposite Party/s	:	Mr. Md. Mushtaque Alam, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 11-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
16.01.2023 in connection with Husainganj P.S. Case
No.92/2022, F.I.R. dated 05.04.2022, for the offences
punishable under Sections 302, 120-B, 307 of the IPC and
Section 27 of the Arms Act.

According to prosecution case, the informant, who is
candidate of MLA election was going to his parental home by
his endeavour vehicle with his followers who were on another
vehicle and as soon as they reached near Mahuwal field, some
miscreants started firing and in this firing, Teg Ali Khan @



Bablu became injured and Binod Yadav died on way to hospital and the informant has belief that Osama Saheb, Md. Aftab, Guddu Mian, Sabir Mian, Dablu Khan, Azad Ansari, Asique Siddique, Chhawani Singh and other miscreants were involved in this occurrence.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the petitioner is not named in the F.I.R. The name of the petitioner has been transpired during investigation on the basis of confessional statement of the co-accused persons, namely, Tabrez Raza and Azad Ansari. He further submits that in fact the statement of injured persons, namely, Teg Ali Khan and Rakesh Tiwari was recorded by the police but they have not stated the name of the petitioner in the alleged occurrence and except the confessional statement of the co-accused persons, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. Similarly, co-accused, namely, Tabrej Raja @ Bablu has been granted bail by a co-ordinate Bench of this Court vide order dated 20.12.2022 passed in Cr. Misc. No. 59079/2022 and the police after investigation submitted the charge sheet against the



petitioner and the petitioner is in custody since 16.01.2023.

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 C.J.M., Siwan in connection with Husainganj P.S. Case No.92/2022, 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)

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