

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16773 of 2023

Arising Out of PS. Case No.-674 Year-2022 Thana- SIWAN CITY District- Siwan

ADEEL FAHMI S/O MOZIBUL HAQ Resident of H. No.- 54, Purani Kila
Thana Nagar, District- Siwan, Presently Residing at Ismail Shaheed Takiya,
P.S.- Saray, O.P., P.O.- Siwan, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Adv. Mr. Ranjeet Kumar, Adv. Mr. Yogesh Kumar, Adv. Mr. Ayush Kumar, Adv. Mr. Kanishk Kaustub, Adv.
For the Opposite Party/s :		Mr. Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 04-07-2023 Heard Mr. Yogesh Chandra Verma, learned Senior
counsel for the petitioner and learned Additional Public
Prosecutor for the State.

Petitioner seeks bail, who is in custody since
02.12.2022 in connection with Siwan Nagar (Saray) P.S. Case
No. 674/2022, F.I.R. dated 30.11.2022, for the offences
punishable under Sections 302, 34 of the IPC & Section 27 of
the Arms Act.

According to prosecution case, the petitioner is alleged
to have provided pistol to co-accused, namely, Md. Raees and
thereafter Md. Raees shot the father of the informant due to
which he fell down on the ground. Thereafter he was take to



hospital, where the doctor declared him dead.

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 from bare perusal of the F.I.R. it appears that the allegation of firing is attributed against the co-accused, namely, Md. Raees. He further submits that the allegation against the petitioner is that he has handed over the pistol to co-accused, namely, Md. Raees and he has fired upon the deceased. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 02.12.2022.

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 C.J.M., Siwan in connection with Siwan Nagar (Saray) P.S. Case No. 674/2022, 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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