

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21484 of 2023

Arising Out of PS. Case No.-298 Year-2021 Thana- BALIYA District- Begusarai

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Faiyazul Haque S/O Md. Taslimuddin @ Taslim Resident of village-
Chakbali, P.O.- Nurpur Ward No.- 17, P.S.- Barauni, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 18-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Ballia P.S. Case No. 298 of 2021 registered on 15.09.2021 for the alleged offences under Sections 393, 307, 504, 506/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, three miscreants on motorcycle tried to rob the informant, an owner of a jewellery shop while he was going back to his house after collecting jewellery items and ornaments in a bag. During the robbery the miscreants opened fire and one such shot hit an employee of the informant in his left thigh. The name of the petitioner surfaced during investigation as one of the miscreants.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from the person or possession of the petitioner, who was not put to any Test Identification Parade. The other co-accused persons have been granted bail by different Co-ordinate Benches vide orders dated 14.06.2022, 20.09.2022 and 06.02.2023 passed in Cr. Misc. Nos.13354 of 2022, 33475 of 2022 and 59565 of 2022 respectively. The petitioner is in custody since 29.06.2021 and charge sheet has been submitted. The petitioner is having criminal antecedent of two more cases.

5. Learned APP opposes the prayer for bail submitting that the petitioner is having criminal antecedent and two cases are pending against him.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that no recovery has been shown from the petitioner and further considering the period of custody of the petitioner and submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai/concerned court in connection with Ballia P.S. Case



No. 298 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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