

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22185 of 2022

Arising Out of PS. Case No.-752 Year-2020 Thana- MUFFASIL District- West Champaran

Saiyidin @ Saimudin @ Shankar Singh @ Rahul, aged about 35 yrs, Gender- Male, S/o Late Najee Mian R/o village- Siswa Bazar Jaiswal Nagar, P.S.- Kothiya, District- Maharajganj, State- Uttar Pradesh

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brajesh Kumar Singh, Adv.
For the State : Mr.Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 31-01-2023 Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in connection with Sessions Trial No. 455 of 2021 arising out of Bettiah Muffasil (Manuapul) PS Case No. 752 of 2020, registered for the offence punishable under Section 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

As per allegation in the First Information Report (*for brevity FIR*) the informant's son has been shot dead by three unknown criminals.

Learned counsel for the petitioner submits that on account of his antecedents twelve (12), his name has been dragged in this case by inserting it in statement of co-accused as well as petitioner's own confessional statement recorded in custody. He is in custody in connection with this case since 16-03-2021. In eight (08) of the earlier cases, he is on bail. His implication has not led to recovery of any incriminating material. Similarly situated co-accused, namely, Reyaz Ahmad @ Ayaz Ahmad, Ranjan Singh @ Mama and Krishna Yadav have allowed bail in Cr. Misc. Nos. 53492 of 2021, 38039 of 2022 and 41775 of 2022 and, respectively. While granting bail to co-accused, namely, Krishan Yadav (Cr. Misc. No. 41775 of 2022) this Court, recently on 11-01-2023, has taken notice of the fact that out of eight witnesses, not a single witness has been produced by the



prosecution. It is further submitted that the informant is not an eye witness to the occurrence. It is submitted that investigation is complete.

Learned APP for the State has opposed the prayer for bail, alleging that the petitioner carries criminal antecedents.

Considering the rival submissions, manner of petitioner's implication, claim based on parity, his custody, as also the fact that investigation is complete, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

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 Additional District and Sessions Judge-IX, Bettiah, West Champaran, in connection with Sessions Trial No. 455 of 2021 arising out of Bettiah Muffasil (Manuapul) PS Case No. 752 of 2020, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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