

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29356 of 2023

In
CRIMINAL MISCELLANEOUS No.44839 of 2022

Arising Out of PS. Case No.-69 Year-2022 Thana- SIWAN CITY District- Siwan

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Vicky Khan @ Tausif Khan Son of Taufique Khan @ Md. Taufiq Khan
Resident of village-At-M.M. Colony, P.S.-Siwan Town (Sarai O.P.), District-
Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Javed Aslam, Advocate
For the Opposite Party/s : Mr. Bharat Bhushan, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 24-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
13.01.2023 in connection with Siwan Town (Saray) P.S. Case
No. 69 of 2022, F.I.R. dated 05.02.2022 for the offences
punishable under Sections 307/34 of the Indian Penal Code and
Section 27 of Arms Act.

3. According to prosecution case, as per written report
of the informant alleging therein that on 05.02.2022 at 02:00
P.M. at the house of Umair (friend he along with Shoheb Khan
went to group discussion. At 4:00 P.M. after group discussion he
along with his friend Shoheb Khan came out from the house of



his friend Umair. In the meantime, at way near the house of Mintu Neta 10-15 persons were playing Carom. Seeing us Ricky and Vicky both brothers started firing, resulting in he received gunshot injury on left wrist and above navel on stomach and he became unconscious. Shoheb Khan received gunshot injury on left wrist of his hand. On hearing firing nearby people gathered and seeing them Ricky and Vicky fled away.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and petitioner has not committed any offence as alleged in the F.I.R. He further submits that as per F.I.R. the allegation against the petitioner that he and co-accused person namely, Ricky has fired upon the informant and one Shoheb Khan. He further submits that it appears from the injury report of the informant suggest that the injury is simple in nature and injury report of the Shoheb Khan suggest that the injury is grievous in nature but the injury inflicted on the Shoheb Khan is fracture of ulna which is not the vital part of the body. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 13.01.2023.



5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one.

6. 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 Chief Judicial Magistrate, Siwan in connection with Siwan Town (Saray) P.S. Case No. 69 of 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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