

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32650 of 2023

Arising Out of PS. Case No.-656 Year-2020 Thana- TURKAULIYA District- East
Champaran

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AWSAF ALAM Son of Late Intezar Ahmad, Resident of village - Jaisinghpur
Tola Retwa, P.S. - Turkauliya, Distt. - East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan, Adv.
For the Opposite Party/s : Mr.Ajay Kumar No. 2, APP

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 21-06-2023 Heard the learned counsel for the petitioner as well as

the learned Additional Public Prosecutor for the State.

The petitioner is seeking regular bail in connection
with Turkaulia P.S. Case No. 656 of 2020, registered for offence
punishable under Sections 147, 148, 149, 302 of the Indian
Penal Code and Section 27 of the Arms Act.

As per prosecution case, when the informant and his
brother were returning after offering Namaz, all FIR named
accused persons, including the petitioner, alongwith 2-3
unknown miscreants surrounded the informant and his brother.
Co-accused-Saddam Hussain stopped motorcycle and threw
away the key from motorcycle. The petitioner and co-accused
Asgar Alam ordered to kill them, whereupon co-accused



Ehteshab Alam, Mushtaq Ahmad, Lal Babu and Nazir Ahmad started firing upon the informant and his brother and killed informant's brother Motiur Rahman.

The learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The learned counsel has also submitted that there is no allegation of firing against the petitioner and co-accused Ehteshab Alam, against whom there is allegation of opening fire on the deceased, has been granted bail by a coordinate Bench of this Court in Cr. Misc. No. 21802 of 2021.

On the other hand, the learned APP has opposed the prayer for bail.

It appears that the case of the petitioner is on better footing of co-accused Ehteshab Alam, who has been granted bail by a coordinate Bench of this Court in Cr. Misc. No. 21802 of 2021.

Considering the above-mentioned facts and circumstances, let the petitioner above-named be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand rupees) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Turkaulia P.S. Case



No. 656 of 2020, 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/her absence on two consecutive dates without sufficient reason, his/her 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.

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.

(Nawneet Kumar Pandey, J)

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