

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34199 of 2022

Arising Out of PS. Case No.-5 Year-2022 Thana- SISWAN District- Siwan

Sohaib Akhtar, aged about 24 years old, Male, Son Of Shamim Akhtar
Resident Of Village- Chandpur, P.S.- Siswan, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhakar Singh, Adv.
For the State : Ms. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 17-01-2023 Heard learned counsel for the petitioner and the learned APP
for the State.

The petitioner seeks bail in connection with Siswan P.S. Case No. 5/22 registered for the offence punishable under Section 302 of the Indian Penal Code (for brevity 'IPC') and 27 of the Arms Act.

There is allegation that the informant's brother was seated on the bridge of the village when unknown criminals have shot him dead. It is alleged that before victim had left his house, he has received a call on his mobile.

Learned counsel for the petitioner submits that nearly a month after the alleged occurrence, some of the agnates, of the informant have implicated the petitioner by alleging that he was having some affair with a cousin of the instant petitioner, and therefore, the petitioner has committed murder.

He further submits that the petitioner has no criminal antecedents and other than such statement of the agnates, recorded nearly one month after the First Information Report (for brevity 'F.I.R.') and petitioner's own confessional statement, there is no material whatsoever. He is stated to be in custody since 26.02.2022.



Learned APP for the State has opposed the prayer for bail. It is submitted that witness in the investigation have stated that in past also the petitioner has threatened the deceased.

Considering the rival submissions, the manner in which the petitioner has been implicated, period of custody viewed with his clean antecedents in the background 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 Chief Judicial Magistrate-IVth, Siwan, in connection with Siswan P.S. Case No. 5/22, 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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