

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.35706 of 2023**

Arising Out of PS. Case No.-184 Year-2018 Thana- RAMPUR District- Gaya

SHAHIRUKH HUSSAIN SON OF SHAHNAWAZ HUSSAIN @ MD.  
SANNU RESIDENT OF VILLAGE- WHITE HOUSE COMPOUND, PS-  
RAMPUR, DISTT- GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Shivendra Prasad, Advocate

For the Opposite Party/s : Mr. Dilip Kumar No. 1

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

3      26-07-2023                      Heard Mr. Yogesh Chandra Verma learned Senior  
Counsel for the petitioner and learned APP for the State.

The petitioner is in custody since 20.05.2022 in connection Rampur with P.S. Case No. 184 of 2018 for the offence punishable under Sections 147, 148, 149, 452, 341, 323, 307, 302, 506 and 120 (B) of the I.P.C. and Section 27 of the Arms Act, lodged on 25.05.2018 by the informant Farhat Iqwal.

As per the prosecution story, the informant has alleged in the written report that while they were preparing for the 'Iftar' party sitting with the family members in their house, the accused persons including the petitioner herein armed variously firstly abused the informant and further this petitioner Md. Shahrukh Hussain gave blow on the head of the son of the



informant causing head injury. The allegation against others is of assaulting the family members of the informant who were taken to ANMMCH, Gaya and thereafter to the Ruban Hospital, Patna, where the son of the informant namely Nabil succumbed to the injuries.

Earlier prayer for bail of the petitioner was rejected vide order dated 11.10.2022 passed in Cr. Misc. No. 39386 of 2022.

It has been contended by the learned Senior counsel that although the allegation is of repeated blow, only one injury has been found and further there is delay in lodging of the FIR *inasmuch* as occurrence took place on 21.05.2018 and the FIR was lodged on 25.05.2018. The only fault on his part is that while other went into the custody and preferred bail applications which were allowed, he could not join them in jail and there was delay of four years for which he has already suffered. Further submission is that if released on bail, he will abide by all terms and conditions.

Learned APP opposes the prayer for bail and concede that others similar situate persons have since been extended the privilege of bail.

Taking into account the fact that out of 15 prosecution



witnesses only five have been examined till date, others have been granted bail, he is in custody since 20.05.2022 (as per the observation of the learned Session Judge), this Court is inclined to extend him the privilege of bail with strict conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Session Judge 1<sup>st</sup> Gaya, in connection with Rampur with P.S. Case No. 184 of 2018 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so in any date without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight till the conclusion of the trial to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threaten the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for



cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

**(Rajiv Roy, J)**

Jagdish/Jyoti/-

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