

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34809 of 2023

Arising Out of PS. Case No.-221 Year-2022 Thana- SISWAN District- Siwan

BIRENDRA RAM SON OF LATE SHIVPUJAN RAM RESIDENT OF
VILLAGE- GYASPUR, PS- SISWAN, DISTT- SIWAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 04-08-2023 1. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner, who is in custody since 29.09.2022 seeks
bail, in connection with Siswan P.S. Case No.221/2022, dated
07.09.2022, for the offences punishable under Sections 302,
307, 120B/34 of the IPC & Sections 25(1-B)a, 26 and 35 of the
Arms Act.

3. According to prosecution case, the petitioner along
with other co-accused persons have fired upon the police
officials due to which one police personnel sustained gun shot
injury and died.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent 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 the



petitioner has not committed any offence as alleged in the F.I.R. He further submits that the name of the petitioner has been transpired during investigation on the basis of disclosure made by local chowkidar and there is no specific allegation of any assault or overt act attributed against the petitioner. He further submits that it has come during investigation that co-accused namely Md. Aftab Alam has fired upon the victim and similarly situated co-accused, namely, Abhay Yadav has been granted bail by a co-ordinate Bench of this Court vide order dated 20.07.2023 passed in Cr. Misc. No. 12507/2023. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 29.09.2022.

5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

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 A.D.J.-II, Siwan in connection with S. Tr. No.97/2023, arising out of Siswan P.S. Case No. 221/2022, 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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