

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36555 of 2023

Arising Out of PS. Case No.-306 Year-2013 Thana- CHOUTARWA District- West
Champaran

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ARSHAD ALI S/O LATE EKRAMUL HAQUE R/O Village- Jharmahui, P.S-
Chautarwa, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vijay Kr Singh No. 1, Advocate

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 19-07-2023 Heard the parties.

The petitioner is in judicial custody in connection with Sessions Trial No. 579 of 2014 arising out of Chautarwa P.S. Case No. 306 of 2013 instituted under Sections 302 and 120B of the Indian Penal Code and 27 of the Arms Act lodged on 10.12.2013 by the informant, Iqbal Ahmed.

As per the allegation in the FIR, in the midnight of 09.12.2013, Arshad Ali (the petitioner herein), Bachcha Mian, Ashad Ali @ Laddan Safi, Atiullah @ Sudan armed variously came to the courtyard of the house of the informant and Arshad Ali opened fire causing injuries to the informant's daughter, Roshan Ara @ Gudia, who finally succumbed to the said injuries. Marriage of the daughter of the informant was settled



with Irfanullah who was the husband of the daughter of Arshad Ali, and marriage party was to arrive on 11.12.2013. To prevent the same, the present killing took place.

Earlier a report was called for which has since been received vide letter no. 600 on 27.6.2023 and as per it, five witnesses have been examined.

Considering the fact that earlier the name of the petitioner was not sent up and only after the petition under section 319 of the Cr.P.C. that was allowed on 20.9.2019 (as per the report submitted), his name cropped up and further he has remained in custody since 24.3.2022 (as stated in para 14 of the bail application), do not have criminal antecedent, is an aged person of 62 years, this Court is inclined to grant him the privilege of bail.

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 Sessions Judge-1st, Bagaha, West Champaran, in connection with S. Tr. No. 579(B)/2014 arising out of Chautarwa P.S. Case No. 306 of 2013 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 for two consecutive dates 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 for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat 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)

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