

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41512 of 2023

Arising Out of PS. Case No.-38 Year-2023 Thana- THAWE District- Gopalganj

NEYAZ AHMAD @ BHOLA Son of Late Sheikh Md. Siddique @ Shekh Mohammad Siddique Resident of Village - Narainpur, P.S.- Thawe, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Y.C. Verma, Sr. Adv. Mr. Javed Aslam, Adv.
For the Opposite Party/s	:	Mr. Nirmala Kumari, APP
For the Informant	:	Mr. Ramakant Sharma, Sr. Adv.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 18-09-2023 Heard Mr. Y.C. Verma, learned senior counsel for the petitioner and Mr. Ramakant Sharma, learned senior counsel appearing for the informant and also learned A.P.P. for the State.

The petitioner seeks bail in connection with Thawe P.S. Case No. 38 of 2023 registered for the offence under Sections 302, 120(B) and 34 of the Indian Penal Code.

According to the prosecution, the father of the petitioner is alleged to have been shot dead by the two unknown miscreants on account of brick business and political rivalry.

Learned senior counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case. He further submits that the petitioner has not been named in the F.I.R.



rather the F.I.R. has been instituted against the unknown persons. He further submits that there is no eye witness to the alleged occurrence event He further submits that informant has not seen the occurrence. He further submits that name of this petitioner has surfaced in this case merely on the basis of suspicion. Save and except the suspicion, no cogent material has surfaced during course of investigation suggesting the involvement of the petitioner in the alleged occurrence. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 15.02.2023.

Learned A.P.P. for the State as well as the learned senior counsel appearing for the informant on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner and submits that it has come during investigation that due to previous enmity and the land dispute, he might have killed the father of the informant which would be evident from paragraph Nos. 7, 8 and 9 of the case diary.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Chief Judicial Magistrate, Gopalganj in connection with Thawe P.S. Case No. 38



of 2023 with 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 canceled 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.

(Rajesh Kumar Verma, J)

brajesh/-

U		T	
---	--	---	--

