

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46371 of 2022

Arising Out of PS. Case No.-106 Year-2018 Thana- GOPALPUR District- West Champaran

Sk. Julfekar @ Sk. Julfikar Son of Shekh Amamul @ Sk. Enamul Resident of
Village - Kadamwa, P.S.- Gopalpur, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Tiwari, Advocate

For the Opposite Party/s : Mr. Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 24-02-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 147, 148, 149, 341, 323, 324
and 307 of the Indian Penal Code and Section 27 of the Arms
Act.

According to prosecution case, the accused persons
surrounded the informant with illegal arms and one Sk. Firdous
gave order to shoot the informant and in the meanwhile, the
petitioner opened fire to his chest, belly and face in order to kill
him and they all fled away.

Learned counsel for the petitioner submits that



petitioner has falsely been implicated in the present case due to previous land dispute. He further submits that the present F.I.R. is the counter blast of Majhauriya P.S. Case No. 73 of 2017 filed by the father of the petitioner against the informant and his son. He further submits that it appears from the F.I.R. that there is direct allegation against the petitioner that he fired upon the informant but the injury report of the informant suggests that although injury is gunshot injury but the injury is simple in nature. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 05.04.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries two criminal antecedents other than the present one.

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 Court below where the case is pending in connection with Gopalpur P.S. Case No. 106 of 2018, 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)

Vanisha/-

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

