

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59569 of 2022

Arising Out of PS. Case No.-8 Year-2021 Thana- MIRGANJ District- Gopalganj

Shahzad Hussain @ Ladan Son of Ali Haidar Resident of Village- Barwa
Kaparpura, P.S.- Hatua District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Ranjan Pd. Singh
For the Opposite Party/s : Mr. Shantanu Kumar

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 17-02-2023 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with Mirganj
P.S. Case No. 08 of 2021, registered for the offences
punishable under Sections 302, 120(B), 506 and 34 of the
Indian Penal Code, Section 27 of the Arms Act and Section
3/4 of the Explosive Substance Act.

The prosecution case as emerging from the FIR is
that on 05.01.2021 when the son of the informant was
sitting with his friend in his office, the petitioner and his
associates started indiscriminating firing, due to which the
victim got injured and died during the course of treatment.



Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner is not named in the FIR and his name transpired in the confessional statement of co-accused, Gurfan Alam and Altaf Husain who have already been enlarged on bail vide orders dated 12.01.2022 and 29.01.2022 passed in Cr. Misc. No. 31067 of 2021 and Cr. Misc. No. 55008 of 2021.

He further submits that the petitioner has been languishing in jail since 02.07.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in



the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. A.C.J.M. - XVI, Gopalganj in connection with Mirganj P.S. Case No. 08 of 2021, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of



the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bond of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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