

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57882 of 2022

Arising Out of PS. Case No.-196 Year-2021 Thana- PANCHRUKHI District- Siwan

Md. Faishal @ Faishal Ali Son of Ali Akhtar, R/o Village- Gosai Chhapra
Papaur, P.S.- Sahaik Sarai, Distt.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md. Anisur Rahman, Advocate

For the Opposite Party/s : Mr. Rajendra Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-02-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 302/34 of the Indian Penal
Code and Section 25(1-b) a, 26 and 27 of the Arms Act.

According to prosecution case, the accused person
including the petitioner took the son of the informant and later
on, the informant got information that his son was gun shot and
he got injury on his left ear pit. The informant suspected that the
petitioner along with other accused persons with the help of
some unknown person killed his son.

Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that it appears



from the F.I.R. that only on the basis of the suspicion the name of petitioner has falsely been implicated in the case. He further submits that there is no eye witness of the allege occurrence. He further submits that during investigation the co-accused person, namely, Sonu Singh was arrested and his statement was recorded, in which he has particularly stated that Sudu Mian, main assailant of the co-accused, Sonu Singh has been granted bail from the Court below itself. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 05.08.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

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 Pachrukhi (Sarai O.P.) P.S. Case No. 196 of 2021, 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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