

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66363 of 2023

Arising Out of PS. Case No.-655 Year-2022 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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ABID AKHTAR Son of Sohail Akhtar R/o vill - Jitwarpur Chauth ward , P.S.
- Muffasil, Distt. - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jitendra Narain Sinha,Advocate
For the Opposite Party/s : Mr.Tapeshwar Sharma,APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-11-2023 Heard Mr.Jitendra Narain Sinha, learned counsel for

the petitioner and Mr.Tapeshwar Sharma, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Samastipur (Muffasil) P.S. Case No.655 of
2022, FIR dated 28.12.2022 registered for the offences
punishable under Section 307 of IPC and Section 27 of the
Arms Act.

3. Allegation against the petitioner is that he made
firing due to dispute with one Noor Alam. Two empty cartridges
were produced by the informant before the police.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent. He has falsely been implicated



in the present case merely on the basis of the disclosure made by the local people. Further submits that it appears from the FIR that the informant is not the eye witness of the alleged occurrence and in the present occurrence no one has received any firearm injury.

5. Learned APP for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid fact that the petitioner has clean antecedent, informant is not the eye witness of the alleged occurrence and the name of the petitioner has been transpired on the basis of the disclosure made by the local people, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 Additional Chief Judicial Magistrate, Samastipur in connection with Samastipur (Muffasil) P.S. Case No.655 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) 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 bonds shall be cancelled by the Court below.

(II) If the petitioner tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) 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/her criminal antecedents, 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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