

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68396 of 2023

Arising Out of PS. Case No.-405 Year-2021 Thana- BASANTPUR District- Siwan

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SHAHNAWAZ KHAN S/O TAUFIQUE KHAN R/O VILLAGE-
SHEIKHPURA, P.S- BASANTPUR, DISTT.- SIWAN.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ranjeet Kumar, Adv. Mr. Ayush Kumar, Adv. Mr. Kanishk Kaustubh, Adv
For the State	:	Mr. Gauri Shankar Gupta, APP
For the Informant/s	:	Mr. Raghav Prasad, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 3 10-11-2023 **1.** Heard learned counsel for the petitioner, learned counsel for the informant and learned APP for the State.
- 2.** Petitioner seeks regular bail in connection with Basantpur P.S. Case No.405 of 2021, dated 17.09.2021 registered for the offences punishable under Sections 302 and 120(B) read with Section 34 of the Indian Penal Code and Section 27 the Arms Act.
- 3.** This is second attempt of the petitioner to get the relief of regular bail after his earlier prayer for the same relief was rejected by this Bench vide order dated 13.02.2023 passed in Cr. Misc. No. 22074 of 2022 preferred by this petitioner.
- 4.** The main submissions advanced by learned counsel for the petitioner are that the petitioner has got no criminal



antecedent and his trial has started and three prosecution witnesses have been examined and one co-accused namely, Ladla Quraishi, who played the role of liner in the commission of the alleged occurrence, has been granted bail by this Bench on his second attempt and the petitioner's case stands on better footing from him as in the FIR there is no specific allegation against the petitioner and merely suspicion was raised by the informant and the petitioner is a young person and has been languishing in jail since 19.09.2021.

5. Learned counsel appearing for the informant has vehemently opposed the prayer for bail of the petitioner and submitted that there is serious allegation against him and there is a grave possibility that the petitioner may threaten the prosecution witnesses, if he is enlarged on bail.

6. Learned APP appearing for the State has also opposed the prayer for bail of the petitioner.

7. Heard both the sides. Though, the instant matter relates to serious offence and there is serious allegation against the petitioner in the FIR but considering his young age as well as his custody period and his fair and clean antecedent and mainly the fact that one co-accused, Ladla Quraishi, who allegedly played the role of liner in the commission of the alleged occurrence, has been granted Bail by this Bench and petitioner's case appears to be on



better footing from him, so this Court is now inclined to accept the petitioner's present prayer for bail. Accordingly, let the petitioner named-above be enlarged 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 concerned Court in connection with Basantpur P.S. Case No.405 of 2021 on the following conditions:-

(i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial Court and shall remain physically present as directed by the trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the trial Court.

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

(iii) One of the bailors shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

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