

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4149 of 2022

Arising Out of PS. Case No.-97 Year-2020 Thana- WARISLIGANJ District- Nawada

Imteyaj Khan Son of Kaishar Khan R/V- Murlachak, Ward No. 5, P.S-
Warisaliganj, Dist- Nawada

... .. Appellant/s

Versus

1. The State of Bihar
2. Rajeev Kumar @ Raja Son of Saho Ravidas R/V- Murlachak, Ward No. 5,
P.S- Warisaliganj, Dist- Nawada

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sheo Kumar Prasad, Advocate

For the Respondent/s : Ms. Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 07-07-2023 Despite of service of notice validly served upon the

Respondent No. 2, no one appears on behalf of the Respondent

No. 2.

Heard learned counsel for the appellant as well as

learned Spl.P.P. for the State.

This is an appeal under Sections 14(A)(2) against

refusal of the prayer for regular bail by order dated 21.10.2022

passed by the learned Exclusive Special Judge, SC/ST Nawada

in B.P. No. 5256 of 2022 in connection with Warisaliganj P.S.

Case No. 97 of 2020, F.I.R. dated 17.04.2020 registered under

Sections 147, 148, 149, 341, 323, 307, 504, 506 and 302 of the

Indian Penal Code, Section 27 of the Arms Act and Section 3(i)



(r)(s)/3(2)(v) of the Scheduled Castes and Scheduled Tribes Act.

According to the prosecution case, this appellant along with other accused persons entered into the house of the informant's uncle and one Md. Irfan fired upon the Madan Ravidas and other persons were also injured from the firing.

Learned counsel for the appellant submits that appellant has falsely been implicated in the present case. He further submits that from perusal of the F.I.R. it transpire that the F.I.R is in two parts, according to part one, there is general and omnibus allegation against all the accused persons including the appellant and according to part two, there is specific allegation of firing attributed against the co-accused person, namely, Md. Irfan. He further submits that the co-accused, Md. Irfan along with other accused persons were put on trial and subsequently all 11 accused persons have been acquitted by the learned Trial Court taking into account that the informant retracted from his earlier statement made in the F.I.R. He further submits that the co-accused, namely, Md. Naim Khan @ Naim Mohammad Khan @ Naim Khan has been granted bail by the Co-ordinate Bench of this Court vide order dated 16.08.2021 passed in Cr. App. (SJ) No. 863 of 2021. He further submits that the police, after investigation, submitted charge sheet against the



appellant. The appellant is in custody since 28.09.2022.

Learned Special Public Prosecutor for the State has vehemently opposed the prayer for bail of the appellant and submits that the appellant carries one criminal antecedent other than the present one.

Considering the facts and circumstances of the case, let the appellant, 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 learned Exclusive Special Judge SC/ST Act, Nawada in connection with Warisaliganj P.S. Case No. 97 of 2020, with other following conditions:-

1. Appellant 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 appellants 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 appellant and in



case at any stage it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. 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.

Accordingly, the impugned order is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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