

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2265 of 2023

Arising Out of PS. Case No.-10 Year-2022 Thana- ARIYARI District- Sheikhpura

Md. Mofiz Imam @ Mofiz Imam Son of Late Ibrahim Khan Resident of
Village- Ariyari, P.S.- Ariyari, District- Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Nihal Beg, Adv. Mr. Bindeswari Singh, Adv.
For the Opposite Party/s	:	Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-04-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks regular bail, who is in custody in connection with Ariyari P.S. Case No. 10 of 2022 registered for the offences punishable under Sections 25(1-b)a, 26 and 35 of the Arms Act.

The prosecution case, in brief, is that when the informant who happens to be the S.H.O. of Ariyari Police Station got information about the ongoing firing in the village- Ariyari between two groups over the land survey, he along with other police personnel proceeded towards the place of occurrence and found one person lying dead and another in the injured condition. The son of the deceased informed about the



accused persons including the petitioner who were involved in killing of his father.

Learned counsel for the petitioner submits that nothing has been recovered from the person or possession of the petitioner. He further submits that the co-accused, namely, Manaur Khan and Israiel Khan from whose possession arms and ammunition were recovered, have been allowed the privilege of bail by a learned Co-ordinate Bench of this Court vide order dated 11.08.2022 passed in Cr. Misc. No. 25482 of 2022 and some other co-accused persons have also been allowed the privilege of bail vide order dated 11.08.2022 passed in Cr. Misc. No. 25565 of 2022. He next submits that there is complete defiance of Section 100 Cr.PC. He also submits that the name of the petitioner has been implicated in this case because of his previous antecedents. Lastly, he submits that the petitioner is in custody since 11.11.2022.

Learned counsel for the State while opposing the bail application submitted that the petitioner bears eight criminal antecedents. However, he does not controvert the fact that the other co-accused persons have been allowed the privilege of bail.

Regard being had to the submissions made on



behalf of the parties and considering the fact that nothing has been recovered from the possession of the petitioner and the other co-accused persons have been enlarged on bail coupled with the period of custody, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st A.C.J.M., Sheikhpura in connection with Ariyari P.S. Case No. 10 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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