

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1318 of 2023

Arising Out of PS. Case No.-391 Year-2022 Thana- SIWAN CITY District- Siwan

Naushad Ali @ Bablu Sain, Son of Late Nausher Sain, R/O Village -
Mandrapali, P.S.- Pachrukhi, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. D.K. Sinha, Sr. Advocate
		Mr. Ajay Kumar Pandey, Advocate
For the Opposite Party/s	:	Mr. Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 21-04-2023 1. Heard learned senior counsel for the petitioner and
the learned APP for the State.
2. Petitioner seeks regular bail in connection with
Siwan Town P.S. Case No. 391 of 2022 dated 28.06.2022
registered for the offences punishable under Section 307 of the
Indian Penal Code and Section 27 of the Arms Act.
3. The main submissions advanced by the learned
senior counsel for the petitioner are that the petitioner is not
named in the FIR, during investigation his name firstly surfaced
in the statements of some witnesses but they did not make any
serious or specific allegation against the petitioner and later on
as per prosecution the injured disclosed the name of this
petitioner as being involved in the alleged crime but according



to him the petitioner was simply sitting on the rear seat of the motorcycle used in the alleged crime which was being driven by co-accused Sarwar Khan though according to the allegation the petitioner fired gun shots which did not hit the injured and accordingly there is no serious allegation against the petitioner. Further submissions are that the petitioner has been languishing in jail since 14.10.2022 and informant is stated to be the eye-witness of the alleged occurrence but he did not reveal the name of this petitioner as being one of the assailants in the FIR, though against the petitioner there are criminal antecedents of five cases but he is on bail in all these cases.

4. Learned APP appearing for the State has opposed the bail prayer.

5. Considering the above submissions and mainly the facts that the petitioner is not named in the FIR and informant is stated to be the eye-witness of the alleged occurrence and he made specific allegation of firing against some co-accused persons, in the opinion of this court, the petitioner deserves to a lenient approach of this court. Accordingly, let the petitioner be released on bail in connection with Siwan Town P.S. Case No. 391 of 2022 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the



satisfaction of the Court concerned, on 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 below and shall remain physically present as directed by the Court below 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) 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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