

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13763 of 2024

Arising Out of PS. Case No.-61 Year-2023 Thana- BISFI District- Madhubani

Faizul Hasan @ Gulrez @ Md. Gulraj S/o Nizural Hasan R/o vill - Chharra
Tola, Balha, P.S. - Bisfi, Distt. - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 12-03-2024 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Bisfi P.S. Case No. 61 of 2023 for the offence under Sections 307 and 120B of the I.P.C. and Sections 25(1-b)a, 26, 27 and 35 of the Arms Act, lodged on 24.02.2023 by the informant, Md Shabauddin @ Sabbu.

3. As per the prosecution story, the informant alleged that as he was sitting alongwith his supporters at brick kiln site, the accused resorted to firing, this according to the informant was done by the accused who were named in the Bisfi P.S. Case No. 291 of 2021. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that a bare perusal of the FIR would show that due to the lodging of the Bisfi P.S. Case No. 291 of 2021, the accused persons have



resorted to firing, he submits that he has clean antecedent inasmuch as he was not an accused in the Bisfi P.S. Case No. 291 of 2021. The further submission is that the similar placed co-accused (Md. Laddu and others) and (Neyarul Hasan) have been granted anticipatory bail by the coordinate Benches in Cr. Misc. No. 73416 of 2023 and Cr. Misc No. 68542 of 2023.

5. Let the same be kept on record.

6. Learned APP opposes the prayer stating that the accused resorted to firing causing panic in the area.

7. Taking into account the submissions as also the facts incorporated above, the petitioner is not an accused in the earlier case (Bisfi P.S. Case No. 291 of 2021) and he do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

8. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned ACJM-1, Benipatti, Madubani in connection with Bisfi P.S. Case No. 61 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of



the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

9. With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

Adnan/-

U		T	
---	--	---	--

