

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20843 of 2024

Arising Out of PS. Case No.-2 Year-2022 Thana- BARHARIA District- Siwan

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Aabid Ali @ Abid Hussain, Son of Shaukat Ali @ Saukat Ali, Resident of
Village - Gaushi Hata, P.S. - Barharia, District – Siwan Petitioner/s
Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Bijay Prakash Singh, Adv. Mr. Ashok Kumar, Adv.
For the State	:	Mr. Nand Kishore Prasad, APP
For the Informant	:	Mr. Prashant Kumar, Adv. Ms. Kritika Upadhyay, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 19-04-2024 1. Heard learned counsel for the petitioner, the learned

APP for the State and learned counsel for the informant.

2. Petitioner seeks regular bail in connection with Barharia P.S. Case No. 02 of 2022 dated 02.01.2022 registered for the offences punishable under sections 147, 148, 149, 341, 323, 325, 307, 302 and 120B of the Indian Penal Code.

3. Mr. Bijay Prakash Singh, learned counsel appearing for the petitioner submits that the petitioner is named in the FIR but against him, there is no specific allegation of assault and altogether 8 accused persons have been named in the FIR and some other persons have been shown as unknown and against this petitioner, there is one criminal antecedent in which he is on bail. Learned counsel further submits that in the instant matter, there is no any material witness or independent witness and



similarly situated co-accused persons namely Sabir Ali @ Sakir Ali and Ishrat @ Ishrat Ali have been granted bail by a co-ordinate bench of this Court vide order passed in Cr. Misc. No. 26582/2022 and one other co-accused Alamgir @ Giri has been granted bail by this Court vide order passed in Cr. Misc. No. 41268/2023 and the case of this petitioner stands on better footing from the co-accused Alamgir @ Giri. Learned counsel further submits that the petitioner has been languishing in jail since 15.12.2023.

4. Mr. Prashant Kumar, learned counsel appearing for the informant has vehemently opposed the bail prayer of the petitioner and submitted that the petitioner intentionally evaded his appearance before the trial court and after exhausting the processes under sections 82 and 83 of Cr.P.C., he surrendered.

5. Mr. Nand Kishore Prasad, learned APP appearing for the State has also opposed the bail prayer of the petitioner.

6. Considering the above submissions and mainly the custody period of the petitioner and the nature of allegation appearing against him and also, the fact that similarly situated co-accused mentioned above are on bail and against him, the investigation has been completed, in my opinion, the petitioner deserves to be released on bail. Accordingly, let the petitioner



named-above be released on bail, **after framing of charge if the same has not been framed**, 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 Barharia P.S. Case No. 02 of 2022, 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 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.

(2) If the petitioner tampers with the evidence or the witnesses then 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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