

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50735 of 2024

Arising Out of PS. Case No.-168 Year-2022 Thana- MIRGANJ District- Gopalganj

Wasim @ Wasim Akram @ Wasim Akhtar Son of Mehadi Hassain @
Mehandi Hasan Son of Vill- Gausihata, P.S.- Barharia, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate
For the State : Mr. Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-07-2024 Heard Mr. Bijay Prakash Singh, learned counsel for
the petitioner, Mr. Madan Kumar, learned Additional Public
Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
06.01.2024 in connection with Mirganj P.S. Case No. 168 of
2022, F.I.R. dated 14.05.2022 for the offences punishable under
Sections 302, 120(B) and 34 of the Indian Penal Code and
Section 27 of the Arms Act.

3. According to prosecution case, the petitioner along
with other co-accused persons armed with pistol surrounded the
husband of the informant and abused him. It is also alleged that
they murdered the husband of the informant and after that they
fled away.

4. Learned counsel for the petitioner submits that



petitioner is innocent and he has falsely been implicated in the present case. He further submits that on perusal of the F.I.R., it appears that there is specific allegation against the co-accused, namely, Nagendra Yadav and Birendra Yadav who have fired upon the husband of the informant and co-accuseds, Sachin Yadav and Manu Yadav caught hold of the husband of the informant and there is no specific allegation of any assault or overt act against this petitioner. He further submits that the name of the petitioner has been transpired merely on the basis of the confessional statement of the co-accused, namely, Akash Yadav and except the confessional statement of the co-accused, no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that it appears from the F.I.R. itself that the informant is the eye-witness of the alleged occurrence and he has not stated anything about the petitioner. He further submits that similarly situated, co-accused, namely, Abhimanyu Yadav @ Manu Yadav has been granted bail by this Court vide order dated 24.05.2023 passed in Cr. Misc. No. 28538 of 2023 and another co-accused, namely, Sujeet Kumar has been granted bail by a Co-ordinate Bench of this Court vide order dated 07.11.2023 passed in Cr. Misc. No. 71553 of 2023. The



petitioner is in custody since 06.01.2024.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries one criminal antecedent other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in the pending matter.

6. Considering the aforesaid facts and circumstances, let the petitioner, 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 the learned Additional Chief Judicial Magistrate-XV, Gopalganj in connection with Mirganj P.S. Case No. 168 of 2022, subject to the following conditions:-

i. Petitioner 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.

ii. 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.



iii. And further condition that 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 step for cancellation of bail bond of the petitioner. 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.

(Rajesh Kumar Verma, J)

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