

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84706 of 2023

Arising Out of PS. Case No.-73 Year-2016 Thana- NIMCHAKBATHANI District- Gaya

WAHID SAH @ WAHID SHAH Son of Sadik Sah @ Shadique Shah R/o vill
- Bandi, P.S. - Neemchak Bathani, Distt. - Gaya, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad, Adv.

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 10-01-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Neemchak Bathani P.S. Case No. 73 of 2016 lodged under
Sections 147, 148, 149, 504 and 506 of the I.P.C. read with
Section 27 of the Arms Act.

3. As per the prosecution case, the F.I.R. has been
lodged against eleven named accused persons against whom
there is allegation that they were made indiscriminate firing and
upon gathering of people, they left motorcycle and fled away.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He submits
that nothing was recovered from the possession of the petitioner,
and therefore, Arms Act is not attracted. He further submits that



sections other than Arms Act is bailable in nature.

5. Counsel submits that petitioner's antecedent is not clean and there is one criminal case pending against him in which he is on bail. He submits that petitioner is in custody since 28.06.2023.

6. Counsel also submits that the offence under which charge has been filed, is magisterial triable in nature.

7. Learned counsel for the State opposes the prayer for bail.

8. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-X, Gaya in connection with Neemchak Bathani P.S. Case No. 73 of 2016, subject to the following conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *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 bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

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

(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 the bail bonds.

(Dr. Anshuman, J.)

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