

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23380 of 2025

Arising Out of PS. Case No.-975 Year-2022 Thana- SIKARPUR District- West Champaran

Nadeem Sarwar @ Nadeem Sheikh S/O Late Shaukat Ali Resident of Village-
Ward no. 10, Mahuawa, P.S- Shikarpur, District.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vatsal Verma, Advocate

For the Opposite Party/s : Mr.Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 13-08-2025 Heard Mr. Vatsal Verma, learned counsel for the

petitioner and Mr. Jitendra Kumar Singh, learned APP for the

State.

2. The petitioner is in judicial custody in connection
with Shikarpur P.S. Case No. 975 of 2022 for the offence
punishable under Sections 302, 307, 34 and 120(B) of the
Indian Penal Code and section 27 of the Arms Act lodged on
03.12.2022 by the informant, Jaleshwar Prasad.

3. As per the FIR, the informant got information about
the fact that his son has been shot at near Vijay Hotel at
Bhagwati Cinema Road, he rushed to the place and the son
informed that he has been hit by Md. Firdaus Akhtar and Monu
Sharma. Further, one Jummy Soni @ Jitendra was found injured
due to gun shot in his leg. The name of other accused also



cropped up. The injured referred to GMCH, Bettiah where he succumbed to his injury. This led to the FIR.

4. Learned counsel for the petitioner submits that even accepting the information given by the deceased to his father, main allegation is against Md. Firdaus Akhtar and Monu Sharma. The name of the petitioner was not available in the FIR but later one Radhey Shyam Tiwari in his confessional statement assigned the role of this petitioner also which led to the remand from different case on 22.11.2024. He submits that Radhey Shyam Tiwari has been granted relief by a coordinate bench in Cr. Misc. No. 17903 of 2023. The further submission is that Monu Sharma who has been named in the FIR alongwith Md. Firdaus Akhtar has also been granted relief by the same coordinate bench in Cr. Misc. No. 34923 of 2023, if granted relief, he shall be diligently appearing in trial.

5. Learned APP, Mr. Jitendra Kumar Singh on the other hand opposes the prayer submitting that his name has cropped up and the matter of in the year 2022 and it was only in the year 2024, he was remanded in the case.

6. Considering the submissions of the parties as also the period of custody coupled with the fact that Monu Sharma who has been initially named as the person whose name cropped



up/given by the deceased himself, has been granted bail, undertaking has been given that he shall be diligently appearing in trial, in that background, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran, in connection with Shikarpur P.S. Case No. 975 of 2022/G.R. No. 5397 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member/relative 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 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.

(Rajiv Roy, J)

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