

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24565 of 2025

Arising Out of PS. Case No.-297 Year-2024 Thana- BALIYA District- Begusarai

SHAMSHER KHALIFA S/O LATE GHURAN KHALIFA R/o vill -
Mathurapur Noor Jamapur, P.s.- Ballia, Distt.- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rahul Singh, Advocate

For the State : Mr. Braj Kishore Pd., APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 11-07-2025 Heard the parties.

2. The petitioner is in judicial custody in connection with S.T. Case No. 180 of 2025 arising out of Ballia P.S. Case No. 297 of 2024 for the offence under Sections 126(2), 109(1), 352, 351(2) and 351(3) of the Bharatiya Nyaya Sanhita and section 27 of the Arms Act, lodged on 09.09.2024 by the informant, Sumit Kumar Yadav.

3. As per the prosecution story, the informant alleged that he is a social worker and when he arrived near Railway Station, this petitioner pointed weapon on him and after abusing, threatened him of dire consequences claiming that he will be running the prostitution business and anyone coming in between will be killed, this led to F.I.R.

4. Earlier, the bail application of the petitioner was rejected in Cr. Misc. No. 80293 of 2024 on 21.11.2024



(Annexure-1 to the petition). This is the second attempt.

5. A report was called for from the Trial Court according to which the charge has been framed but no witness has been examined. This report is dated 24.05.2025.

6. Learned counsel for the petitioner submits that he has already suffered by being in custody since 20.09.2024. The trial is not likely to be concluded in near future as only charge has been framed, if granted relief, he shall be diligently appearing in trial and failure to do so, steps can be taken for cancellation of his bail bond.

7. Learned APP opposes the prayer for bail submitting that the petitioner has criminal antecedent.

8. Considering the submission of the parties as also the fact that the petitioner ha remained in custody since 20.09.2024, as per the Trial Court report, presently charge has been framed and an 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.

9. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned District and Additional Sessions Judge, Begusarai, in connection with S.T.



Case No. 180 of 2025 arising out of Ballia P.S. Case No. 297 of 2024 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/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 till the conclusion of the trial 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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