

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27402 of 2025

Arising Out of PS. Case No.-83 Year-2024 Thana- SIWAN CITY District- Siwan

Md. Nehal @ Raja, S/o- Md. Mustafa, Resident of- Naya Quila, P.S. - Siwan
Town, Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Y.C. Verma, Sr. Advocate Mr. Rizwanul Jama Khan, Advocate
For the State	:	Mr. Raj Kishor Singh, APP
For the Informant	:	Mr. Arbind Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 06-05-2025 Heard Mr. Y.C. Verma, learned senior counsel for the
petitioner, Mr. Arbind Kumar Singh, learned counsel for the
informant and Mr. Raj Kishor Singh, learned APP for the State.

2. Petitioner seeks regular bail in connection with
Siwan Town P.S. Case No. 83 of 2024 dated 28.02.2024
registered for the offences punishable under Sections 302/34
and 120B of the Indian Penal Code and Section 27 of the Arms
Act.

3. The main submissions advanced by learned senior
counsel appearing for the petitioner are that the main allegation
is against the co-accused persons namely, Nawabul and Batla
Pintu and the FIR itself shows that at the time of commission of
the alleged murder, there was an altercation having taken place



between the accused persons and the deceased then on the exhortation of the co-accused, Nawabul, the other co-accused, Batla Pintu, opened fire and caused firearm injury to the chest of the deceased resulting in his death and further, as per the FIR, there was a dispute relating to the construction of a boundary wall between the co-accused Md. Nawabul and the deceased, so, there was no reason for the petitioner to be involved with the main co-accused persons in killing the deceased and if the prosecution's story is believed even then no serious allegation appears against this petitioner as he is simply alleged to be present at the place of occurrence with co-accused persons and simply participated in the altercation only. It is further submitted that though against the petitioner, there are criminal antecedents of two cases out of them, one relates to the offences punishable under Sections 147, 149, 341, 447, 323, 379, 354, 504 and 506/34 of IPC in which the police submitted final form and second relates to the offences punishable under Sections 406, 420, 120B, 504, 506 and 34 of IPC and under Section 138 of the N.I. Act in which the petitioner is on bail. It is lastly submitted that one co-accused namely, Md. Shekhu Khan @ Md. Shekhu @ Shekhu carrying identical allegation, has been granted bail by the co-ordinate Bench of this Court vide order dated 27.09.2024



passed in Cr. Misc. No. 56966 of 2024 and the petitioner has been languishing in jail since 27.11.2024 and against him, the investigation has been completed.

4. On the other hand, Mr. Arbind Kumar Singh, learned counsel appearing for the informant has vehemently opposed the bail prayer of the petitioner and submits that the deceased was murdered by causing firearm injury to his chest and the petitioner was present at the place of occurrence with the co-accused persons and he does not deserve to the privilege of bail at this stage.

5. Learned APP appearing for the State has also opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of this Case as well as the aforesaid submissions and mainly the nature of allegation appearing against this petitioner and also the fact that the main allegation of exhortation is against the co-accused, Nawabul, and the allegation of causing firearm injury to the chest of the deceased, is against the co-accused, Batla Pintu, and petitioner's role is said only in the alleged altercation and also coupled with this fact that there was a dispute relating to the construction of a boundary wall between the co-accused, Nawabul, and the informant and the investigation has been



completed against this petitioner, this Court is inclined to grant the relief of bail to the petitioner. Accordingly, let the petitioner named-above be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Siwan Town P.S. Case No. 83 of 2024.

(Shailendra Singh, J)

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