

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31296 of 2025

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

Firdaus Akhtar @ Firdoush Akhtar @ Shadab Akhtar@ Md. Firdaus Akhtar
aged about 25 years, Male, S/o- Shaikh Sohail Akhtar @ Sohail Akhtar @
Md. Sohail Akhtar R/o- village Barwa Barauli PS- Shikarpur Dist- West
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashar Mustafa, Adv.

Mr. Abu Nasar, Adv.

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

3 20-08-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in Shikarpur P.S.
Case No. 975 of 2022, dated 03-12-2022, registered under
Sections 302 and 307 read with section 34 and 120B of the
Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, the petitioner along
with other accused persons is said to have opened fire upon the
son of the informant, namely Rajesh Kumar, due to which he
sustained a gunshot injury. Thereafter, he was taken to the
hospital, where the doctor declared him dead.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and he has been falsely implicated in the present case. It is further submitted that as per the First Information Report (FIR), the allegation against the petitioner, along with co-accused Monu Sharma @ Aditya Sharma and others, is of having fired at the deceased. It is further submitted that the petitioner's case is identical to that of co-accused Monu Sharma @ Aditya Sharma, who has already been granted regular bail by a Co-ordinate Bench of this Court vide order dated 24-08-2023 passed in Cr. Misc. No. 34923 of 2023 (Annexure P2 series). Learned counsel has also annexed the depositions of six witnesses as Annexure P-3 series to the bail petition. Referring to the deposition of PW-2, namely Dharmendra Kumar, who is the brother-in-law of the deceased and an eye-witness to the occurrence, it is pointed out that in paragraph 36 of his cross-examination, he stated that at the time of the occurrence, two persons came on a motorcycle and the pillion rider who fired the shots had covered his face with a mask. In paragraph 38 of his cross-examination, he further deposed that co-accused Monu Sharma was not on the motorcycle but was standing nearby and that he too fired at the deceased before fleeing away. It is next submitted that co-accused Merajuddin @ Meraj, who has also been named as one



of the assailants by PW-2, has been granted regular bail by a Co-ordinate Bench of this Court *vide* order dated 20.09.2024 passed in Cr. Misc. No. 67359 of 2024. Lastly, it is submitted that the petitioner has been in custody since 08.05.2023 and although 15 criminal cases are pending against him, he deserves parity with co-accused, who have already been granted bail.

5. Learned Additional Public Prosecutor for the State has opposed the prayer.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M. West Champaran, in connection with Shikarpur PS Case No. 975 of 2022, subject to the following conditions:-(i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed 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) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner



is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse (iv) that 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 and (v) that the petitioner will appear before the SHO of concerned PS in the first week of each month till the conclusion of the trial.

7. The application stands allowed.

(Khatim Reza, J)

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