

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36685 of 2025

Arising Out of PS. Case No.-118 Year-2024 Thana- SIGAUDI District- Patna

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Faijal @ Kittu @ Faijal Niyaji S/O Md. Kasimuddin @ Md. Kasimuddin
Ansari Village- Naubatpur, P.S.- Naubatpur, Dist.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pathak, Advocate

For the Opposite Party/s : Mr. Binod Kumar, A.P.P

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 06-08-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Sessions Trial No.867 of 2025 arising out of Sigori P.S. Case No.118 of 2024 lodged on 27.08.2024, for the offence punishable under Sections 115(2), 117(2), 118(2), 109(1), 352 & 3(5) of the Bharatiya Nyaya Sanhita, 2023 read with section 27 of the Arms Act and later on, section 103 of the B.N.S. has been added.

3. As per the prosecution, the informant has alleged that 4–5 unknown persons came and started abusing her husband, and subsequently fired at him below the neck, due to



which the informant's husband injured on the spot and fell down. Thereafter, a co-villager, namely Afroz Alam, chased those unknown persons, but they brutally assaulted him.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that the name of petitioner has figured in this case by virtue of confessional statement of the injured person namely, Afroz Alam. He submits that the police recorded the statement of Afroz Alam on four occasions. Initially, during the first three statements, he did not disclose anything against the petitioner or any of the accused persons. However, in the fourth statement, he mentioned the name of the petitioner. Counsel submits that non-disclosure of name of accused persons at the first occasion shall automatically falsifies the case of the prosecution and creates doubt as under what circumstances, he has not disclosed the name of accused person three times, but subsequently, on fourth occasion, he has disclosed the name of accused. Counsel further submits that the petitioner is in custody since 26.10.2024 and it is true that his criminal antecedent is not clean as there are five cases pending against him and in all the cases, he is on bail. Counsel submits that it is also true that after about nine weeks of the alleged date of occurrence, section 103 & 3(5) of the B.N.S.



has been added. Counsel also submits that the case has already been committed and presently, pending before the Additional Sessions Judge-VI, Danapur, Patna in Sessions Trial No.867 of 2025.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that it is true that the petitioner is not named in the FIR, but subsequently, his name has come in the case diary.

6. As such, in the present facts and circumstances of this case, let the petitioner above named be granted bail after framing of charge if not framed as well as on being satisfied by the Trial Court that the petitioner is not absconding in any of the cases pending against him whose details are mentioned below, and on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the B.N.S.S., 2023 to the satisfaction of Additional Sessions Judge-VI, Danapur, Patna in connection with Sessions Trial No.867 of 2025 arising out of Sigori P.S. Case No.118 of 2024, subject to the conditions as laid down U/s 480(3) of the B.N.S.S., 2023.

7. Pending cases against the petitioner are as follows:-

(I)- Bihta P.S. Case No. 342 of 2019.

(II)- Naubatpur P.S. Case No. 630 of 2019.



- (III)- Naubatpur P.S. Case No. 370 of 2021.
- (IV)- Naubatpur P.S. Case No. 65 of 2020.
- (V)- Naubatpur P.S. Case No. 606 of 2020.

(Dr. Anshuman, J)

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