

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62493 of 2025

Arising Out of PS. Case No.-73 Year-2025 Thana- SIWAN CITY District- Siwan

Shamim Raza Khan S/o Gyasuddin Khan @ Munna R/o Village - Chandouli,
P.S - Siwan (Town), District - Siwan, Bihar - 823001

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rambabu Yadav, Adv.

For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

5 15-11-2025 Heard the learned counsel for the petitioner and the
learned Additional Public Prosecutor for the State.

I.A. No. 01 of 2025

2. Interlocutory Application being I.A. No. 01 of 2025
has been filed for ignoring the defect raised by the Stamp
Reporter, as defect no. 2, pursuant to which the petitioner was
required to file typed copy of the seizure list, which is attached
with the main petition.

3. In view of grounds mentioned above, the defect no. 2
is ignored and I.A No. 01 of 2025 is allowed.

4. The bail application is being heard on merit.

5. The petitioner apprehends his arrest in connection
with Siwan (Town) P.S. Case No. 73 of 2025, dated 03.02.2025,
registered under Sections 126(2), 329(3), 109, 303(2), 3(5) of



the B.N.S. and 27 of the Arms Act.

6. The prosecution case, in brief, is that on 01.02.2025 at 5:10 o'clock, informant was going to Kandhwara Railway Crossing from his quarter along with his brother Umar Taufik. When they reached near the railway crossing, a call came on mobile of Umar Taufik and he started to talk. In the meantime, Miran Khan and Shahid Shekh (petitioner) came there by Bullet motorcycle. Shahid Shekh was sitting on that motorcycle and they snatched mobile set from the hand of the brother of informant and fled away towards D.A.V Centenary Public School, where Miran Khan lived in his mama's house. The informant and his brother chased them. Miran Khan and Shahid Shekh stopped near his mama's house, where Gyasuddin and his son Shamim Raza Khan were already standing. When the informant reached there and asked his mobile from them, all the accused persons started to hurl abuses. It is further alleged that Shahid Shekh and Samin Raza khan ordered to kill them. Thereafter, Miran Khan drew pistol from his waist and fired on Umar Taufik and he got shot on the left side of waist and he fell unconscious.

7. It is submitted by the learned counsel for the petitioner that as per allegations in the F.I.R., the petitioner is said to be only order giver, while the allegations of firing is upon Miraz



Khan, who is said to have shot on the Umar Taufik. There is no material to find complicity of this petitioner in the said commission of crime. The petitioner has clean antecedent.

8. Learned Additional Public Prosecutor for the State has opposed the prayer for bail of the petitioner.

9. Considering the facts that besides the allegation of only order giver, there being no material against the petitioner and petitioner has clean antecedent, let the above named petitioner, be released on anticipatory bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each, to the satisfaction of the learned Chief Judicial Magistrate, Siwan in connection with Siwan (Town) P.S. Case No. 73 of 2025, subject to the condition as laid down under Section 438(2) of the Cr.P.C. as well as the following conditions:-

(i) one of the bailors should be the family member/relative of the petitioner (s) who shall provide official document to show his/her bona fide;

(ii) the petitioner (s) 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/her/their bail bond by the Trial Court itself;

(iii) the petitioner (s) 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;

(iv) the petitioner (s) shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Ajit Kumar, J)

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