

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89818 of 2024

Arising Out of PS. Case No.-108 Year-2023 Thana- KANKARBAG District- Patna

Sharique Jaya @ Sharique Zeya @ Sharik Jaya Son of Md. Abu Jaya @ Fazle
Rahman Abu Zeya R/O- Ward No. 45, Bari Dargah, Biharsharif, P.S.-
Biharsharif, P.O.- Biharsharif, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vishal Saurabh, Adv

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

5 15-05-2025 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Kankarbag P.S. Case No. 108 of 2023 registered for the offences punishable u/s 307 read with Section 34 of the I.P.C and Section 27 of the Arms Act. Later on, Section 302 of the I.P.C. was added.

3. As per the prosecution case, two unknown miscreants fired due to which informant's brother and one Pradu Paswan sustained injury over head and left thigh respectively. It is further alleged that informant's brother succumbed to fire arm injuries, during the course of treatment.



4. Learned counsel for the petitioner has submitted that the petitioner is not named in the F.I.R. and his name has transpired during the course of the investigation. It is further submitted that there is general and omnibus allegation against the petitioner and till date no T.I.P. has been conducted for the identification of the accused persons. Learned counsel has pointed out towards the deposition of the two prosecution witnesses who have been examined till date and among them one is the informant himself, who has not supported the case of the prosecution and has not even identified the petitioner.

5. Despite passage of almost a year only two witnesses till date have been examined and as such the learned counsel has sated that there is no chance of the trial to conclude in the near future and looking at the evidence which has come up till now even the chances of the petitioner being convicted in the present case seems to be distant. It is lastly submitted that the petitioner has two criminal antecedents and is in custody since 18.07.2023.

6. Learned APP for the State has vehemently opposed the prayer for bail and has stated that the petitioner happens to be one of the assailants who has fired upon the brother of the informant, hence, he does not deserve the liberty of bail.



7. Considering the aforesaid submissions of the parties and taking into account the fact that the petitioner is in custody since 10.03.2023 and till date only two witnesses have been examined and both the witnesses have been declared hostile as they were not supporting the case of the prosecution, let the petitioner above-named, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Patna, in connection with Kankarbag P.S. Case No. 108 of 2023, subject to the following conditions:-

(i) One of the bailors will be close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be canceled by the Court concerned.

8. The application stands allowed.

(Sourendra Pandey, J)

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