

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89698 of 2024

Arising Out of PS. Case No.-48 Year-2024 Thana- SIKTA District- West Champaran

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Zafrul Hussen @ Zafrul Hassan Son of Sheikh Sunad Resident of village -
Jhumka, Police Station - Sikta, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Brij Kishor Mishra, Adv.

For the Opposite Party/s : Mr.Narendra Kumar Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 09-01-2025 Heard learned counsel for the petitioner and learned

APP for the State.

2. The petitioner has earlier moved before this Court

with a prayer for anticipatory bail which was rejected vide

order dated 25.10.2024 passed in Cr. Misc. No. 68960 of

2024.

3. The petitioner seeks bail in connection with Sikta

P.S. Case No. 48 of 2024 instituted for the offences under

Sections 147, 148, 149, 224, 225, 341, 342, 323, 332, 333,

307, 353, 354(B), 504, 506 of the Indian Penal Code and

Section 25(1-B)a & 35 of the Arms Act.

4. As per prosecution case, the petitioner along with



other co-accused attacked the police force which had gone to arrest a wanted accused in connection with Sikta P.S. Case No. 151 of 2023 and also to get him free, compelled the police force to withdraw to save their lives. It is alleged that in the alleged occurrence, several police personnel sustained injuries over their bodies. It is also alleged that the police has recovered live cartridge of 12 bore from the house of co-accused Shamim Alam.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. So far as recovery of one live cartridge is concerned, the same has been recovered from the joint house of the co-accused Shamim Alam, who has already been granted bail by this Court vide order dated 21.09.2024 passed in Cr. Misc. No. 49656 of 2024. He further submits that the case of the present petitioner is on better footing than the case of the co-accused Shamim Alam. The petitioner



has no concern with the alleged occurrence. There is a non-compliance of Section 100 of the Cr.P.C. (now 103 of the B.N.S.S.) which creates a serious doubt in the prosecution case. The petitioner has seven criminal antecedents and is languishing in judicial custody since 28.10.2024 without any rhymes or reason.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the prayer for bail being based on parity, let the petitioner, abovenamed, be released on bail, ***after framing of charge if not already framed***, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Sikta P.S. Case No. 48 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family



members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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