

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.575 of 2025

Arising Out of PS. Case No.-50 Year-2024 Thana- SUGAULI District- East Champaran

1. Sheikh Mokhtar @ Shekh Mukhtar @ Md. Mukhtar Son of Sheikh Hashmuddin Resident of Village - Pajiarwa, P.S. - Sugauli, District - East Champaran, Bihar
2. Sheikh Rohulak @ Shekh Rohulak @ Sheikh Rahul Son of Sheikh Hakim Resident of Village - Pajiarwa, P.S. - Sugauli, District - East Champaran, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Aquaib Khan, Advocate
For the Opposite Party/s :	Mr. Anil Kumar, APP
For the Informant :	Mr. Suraj Kumar Tiwari, Advocate.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-04-2025 Heard Mr. Aquaib Khan, learned counsel for the petitioners, Mr. Suraj Kumar Tiwari, learned counsel appearing on behalf of the informant as well as Mr. Anil Kumar, learned Additional Public Prosecutor for the State.

2. Learned counsel for the petitioners seeks permission to withdraw this application with respect to petitioner no. 2, namely, Sheikh Rohulak @ Shekh Rohulak @ Sheikh Rahul.

3. Permission is accorded.

4. Accordingly, this application stands dismissed as withdrawn with respect to petitioner no. 2, namely, Sheikh Rohulak @ Shekh Rohulak @ Sheikh Rahul.



5. The petitioner no. 1 is apprehending his arrest in connection with Sugauli P.S. Case No. 50 of 2024, F.I.R. dated 03.02.2024 for the offences punishable under Sections 147, 149, 341, 323, 307 and 504 of the Indian Penal Code and Section 27 of the Arms Act.

6. According to prosecution case, altogether 8 accused persons including this petitioner armed with weapons have stopped the informant and the co-accused, Sheikh Wahab fired upon him which hit on his chest and then co-accused, Sahil also fired upon him and then they all fled away.

7. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that the petitioner is named in the F.I.R but it also appears from the F.I.R that there is no specific allegation against this petitioner rather the only allegation against him is that he is order giver in the present occurrence due to which the co-accused persons have fired upon the informant and his family members.

8. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner and submits that the petitioner is named in the F.I.R and apart from



that he is the order giver and the regular bail application of the co-accused, namely, Sheikh Wahab @ Sheikh Abdul Wahab @ Abdul Wahab has been rejected by a Co-ordinate Bench of this Court vide order dated 29.01.2025 passed in Cr. Misc. No. 79046 of 2024. Apart from that the petitioner carries one criminal antecedent other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in the pending matter.

9. Considering the aforesaid facts and circumstances that there is no specific allegation against the petitioner, let the petitioner no. 1, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, East Champaran, Motihari in connection with Sugauli P.S. Case No. 50 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. Petitioner shall co-operate 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. 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.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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