

IN THE HIGH COURT OF JUDICATURE AT PATNA  
Criminal Miscellaneous No.4172 of 2015

Arising Out of P.S. Case No. -553 Year- 2014 Thana -BHAGALPUR KOTWALI District-  
BHAGALPUR

Md. Shah Alam @ Md. Alam @ Alam Son of Md. Badruddin, Resident of  
Chameli Chak, Police Station - Habibpur, District - Bhagalpur.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

With  
Criminal Miscellaneous No.6641 of 2015

Arising Out of PS. Case No. -553 Year- 2014 Thana -BHAGALPUR KOTWALI District-  
BHAGALPUR

Md. Akbar @ Akbar S/o Md. Akhtar Resident of Mohalla - Ishakchak, P.S.  
- Ishakchak, District - Bhagalpur

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

Appearance:

(In Cr. Misc. No.4172 of 2015)

For the Petitioner/s : Mrs. Anita Kumari Singh, Advocate.

For the Opposite Party/s : Mr. Kr. Ranjit Ranjan (APP)

(In Cr. Misc. No.6641 of 2015)

For the Petitioner/s : Mr. Shiwesh Chandra Mishra, Advocate.

For the Opposite Party/s : Mr. M. Dayal (APP)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA  
ORAL ORDER

3 23-03-2015 Heard both sides.

The petitioner, namely, Md. Shah Alam @ Md. Alam @ Alam in Cr. Misc. No. 4172/2015 and the petitioner, namely, Md. Akbar @ Akbar in Cr. Misc. No. 6641/2015 seek regular bail in Kotwali P.S. Case No. 553 of 2014 under Section 302 of the Indian Penal Code and Section 27 of the Arms Act.

The informant Rahana, sister of the deceased, lodged a case alleging therein that her brother Md. Alam was killed by unknown persons.

Learned counsel for the petitioners submits that the petitioners are not named in the F.I.R. For the first time, the names of the petitioners figured in the case in the statements of witnesses in paras 49, 50 and 58 of the case diary. It is submitted that Md. Majhar and Md. Naushad made their statements in paras 50 and 58 of the case diary and they disclosed that they came to know about the occurrence but they are not the eye witnesses of the occurrence. In para 58, Md. Rizwan confessed his guilt and disclosed the name of the petitioners. Except hearsay evidence and the confessional statement of a co-accused, there is no tangible material to show the involvement of the petitioners. Md. Rizwan has already been enlarged on bail in Cr. Misc. No. 1384 of 2015.

Having considered the facts that the petitioners are not named in the F.I.R. and the witnesses Md. Manjhar and Md. Naushad disclosed the names of the petitioners and stated that they came to know but they did not disclose the source of their information and co-accused Md. Rizwan, confessed his guilt, who has already been enlarged on bail, the above named petitioners are directed to be enlarged on bail on furnishing bail bonds of Rs.

10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhagalpur in Kotwali P.S. Case No. 553 of 2014 (G.R. No. 3054 of 2014).

(Prabhat Kumar Jha, J)

Dilip/-

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