

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29132 of 2017

Arising Out of PS.Case No. -36 Year- 2016 Thana -HABIBPUR District- BHAGALPUR

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1. Md. Kasso @ Farhan Ali Son of Md. Shamshad Resident of Village-
Daud Chak, Pankha toli, P.S. Habibpur, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. B.P. Pandey, Snr. Adv.
Mr. Pravin Kumar Sinha, adv.

For the Opposite Party/s : Mr. Sri Pancha Lal, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 07-08-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in custody since 17.04.2017 in connection with Habibpur P.S. Case No. 36 of 2016 for offences punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, as lodged by the informant, is that while his brother Md. Hiru was talking to the wife of Rufran, two to four un-known persons came there and started firing on his brother, as a result his brother succumbed to the injuries

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal antecedent. He is



not named in the First Information Report and had been falsely implicated on this case. Co-accused Md. Imran @ Aftab in his confessional statement has named the petitioner along with other co-accused persons, which has no evidentiary value in the eye of law. He submits that four injuries of entry point were found on the body of the deceased, although, in the confessional statement of Md. Imran, he along with five others has committed the offence. There is no rivalry between the petitioner and the informant side. Only on the basis of suspicion the petitioner has been made accused. Charge-sheet has already been submitted hence, there is no chance of tampering with the prosecution evidence.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XII, Bhagalpur, in connection with Habibpur P.S. Case No. 36 of 2016, G.R. No. 1873 of 2016, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient



immovable property within the jurisdiction of the concerned police station, who will file an affidavit stating his relationship with the petitioner and that petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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