

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51428 of 2019

Arising Out of PS. Case No.-230 Year-2015 Thana- KOTWALI District- Munger

MD. BABLA KHAN @ MD. BALLA @ MD. ASRAF KHAN @ ASHRAF KHAN, aged about 30 years (M), Son of Late Md. Muslim, R/O - Topakhana Bazar, P.S.- Kotwali, District- Munger at present resides at Nauwagarhi, P.S.- Naya Ram Nagar, District- Munger.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Ram Sevak Choudhary, Advocate.

For the Opposite Party : Mr.Ahmad Ali,A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 20-08-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is languishing in custody since 27.09.2016 in a case for the offence registered under Sections 302/34 of the IPC and 27 of the Arms Act.

The prosecution story, in brief, is that the informant Md. Sahwaz Alam on 30.09.2015 at about 5.30 A.M. in the morning, received information from villagers that his younger brother, namely, Md. Sarfaraz Alam @ Jony has been murdered and his dead body is lying near R.D. & D.J. College field. On such information, he also with family members reached there and saw that his younger brother Sarfaraz Alam has been shot dead by unknown criminals and his dead body is lying near the



road of R.D. & D.J. College. It is further alleged that his brother used to go to morning walk and on the date of occurrence he also at about 4.00 A.M. in the morning he went for morning walk as usual and he has got no knowledge who has murdered his brother.

It has been submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in the present case. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner is not named in the F.I.R. The name of the petitioner has come in the present case on the basis of his self confession made in another case. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in the present case. There is no eye witness to the alleged occurrence.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is not named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released 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 Sessions Judge, Munger, in connection with Sessions Trial No. 236 of



2016, arising out of Kotwali P.S. Case No. 230 of 2015.

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(Sudhir Singh, J)

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