

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24092 of 2020

Arising Out of PS. Case No.-560 Year-2019 Thana- SAKRA District- Muzaffarpur

Md. Shafi Alam @ Chand @ Moh. Saphi Alam, aged about 22 years, Male,
Son of Md. Shami Alam, Resident of Village- Majhaulia, P.S.- Sakra, District-
Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hari Kishore Thakur, Advocate
For the State : Mr.Rajendra Nath, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 19-10-2020 Heard the parties through the virtual court proceeding.

The petitioner seeks bail in connection with Sakra P.S.

Case No. 560 of 2019 registered for the offences punishable
under Sections 302, 120(B) and 34 of the Indian Penal Code and
Section 27 of the Arms Act.

The prosecution case in short is that one Vikram
Kuamr, son of Shyam Babu Sah, resident of village Donwa, P.S.
Sakra, District – Muzaffarpur gave his fardbeyan before S.I.
Rajesh Kumar at present posted as S.H.O. Sakra on 05.12.2019
at 20:40 P.M. at camp P.H.C. Sakra, stating tehrein that in the
evening at 6:00 P.M., he along with his brother Prabhat Kumar
and his father Shyam Babu Sah after closing their ornament
shop situated at Suzawalpur Bazar proceeded for going to their



house on Splendor Motorcycle and near Sujawal Pur Kabristan one Pulsar Motorcycle overtook him and fired at his brother Prabhat Kumar who had sustained Two Gun-shot injuries. It has been further alleged that both the persons who were on pulsar motorcycle had covered their face with helmet and shot was fired by the person who was sitting in back side of motorcycle and they fled away towards Baghi. The informant took his brother to P.H.C. Sakra on a Alto Car and in hurry his laptop and key of shop was left by him. Informant has further alleged that his brother has been killed at the instance of Krishna Kumar Singh and Navneet Kumar Singh who had taken ornaments worth Rs.99,000/- on credit on 05.11.2018 and they were not returning and on 20.06.2019, they had paid Rs.20,000/- but rest money was not being paid and they were threatening that they will not pay the rest money and informant has claimed that murder of his brother has been done at the instance of above two persons and when fardbeyan was read over to the informant, he put his signature on it.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Learned counsel for the petitioner further submits that the petitioner has been made accused in the present case on



the basis of confessional statement of co-accused. He further submits that during course of entire investigation, no any cogent evident has come against this petitioner and only it has been said by Md. Ali in his confession that Chand had asked about the incident upon which he had said that work had been done and thereafter, he came at the shop of petitioner and from there, they went to their house and thereafter, on the basis of confession of Md. Ali, this petitioner was arrested and his confessional statement was recorded by the police. He further submits that the petitioner is in jail custody since 15.12.2019.

Learned A.P.P. for the State opposed the bail petition.

In the facts and circumstances of the case, let the above named petitioner be enlarged on bail after framing of charge on furnishing bail bond of Rs. 25,000/- (twenty five thousand) only with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IV, Muzaffarpur in connection with Sakra P.S. Case No. 560 of 2019.

(Anjani Kumar Sharan, J)

Nasimul/-

U		T	
---	--	---	--

