

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58385 of 2019

Arising Out of PS. Case No.-254 Year-2018 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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Md. Asif @ Lal @ Md. Asif Lal Son of Md. Hasim Resident of Mohalla -
Moullanachak, P.S.- Mojahidpur, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiwesh Chandra Mishra, Advocate
For the Opposite Party/s : Mr. J. N. Thakuar, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 17-03-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has renewed the prayer for bail in a case registered for the offences punishable under Sections 302, 120B/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case as per the fardbeyan of Anil Kumar Rai recorded by Station House Officer, Isakchak Police Station on 19.04.2018 at 11.30 P.M., is to the effect that the son of the informant, Amarjeet Kumar @ Bittu on the same day at 4.30 P.M. went on a bullet motorcycle to bring articles for celebrating birth day of his daughter but at 9.00 P.M. one Ranjeet Kumar Rai @ Fakku came on the bullet motorcycle of



the son of the informant and conveyed that someone has shot at the son of the informant has taken to hospital. Thereafter, the informant went to Mayaganj hospital where he found dead body of his son. It is alleged that the informant's son gave rupees Seventy Five lakhs to one Abhisek Kumar for business but he failed to return the loan amount which created animosity between them. Apart from the same, the informant has also enmity with one Rinku Singh, who wanted to extort money from the contract business of the son of the informant. The petitioner is not named in the FIR but name sprang up during investigation on the confessional statement of Md. Sheru and Md. Aiyaz @ Naraha. It is also come during investigation as recorded in paragraph 281 and 282 of the case diary that the petitioner was found brandishing pistol on the place of occurrence. The CCTV footage also indicate escaping of the petitioner from the place of occurrence. The call details of the petitioner also indicate that he was present near the place of occurrence.

It is submitted by learned counsel for the petitioner that only on the basis of suspicion the petitioner has been roped in the present case. In the confessional statement of Md. Sheru and Md. Aiyaz @ Naraha name of co-accused Md. Amit Khan



@ Md. Amir surfaced but he has been granted bail by Co-ordinate bench of this Court vide order dated 28.03.2019 passed in Cr. Misc. No. 1366 of 2019. Moreover, co-accused Md. Aiyaz @ Naraha, on whose confession name of the petitioner sprang up, has also been granted bail by Co-ordinate Bench of this Court vide order dated 28.03.2019 passed in Cr. Misc. No. 80097 of 2018. The petitioner is accused in another case in which he is on bail.

Learned APP after going through the case diary, however, submits that the name of the petitioner sprang up during investigation and he was found fleeing away from the scene with pistol in his hand.

Considering the fact that the accusation based on circumstantial nature of evidence and similarly situated co-accused Md. Amir Khan @ Md. Amir has been granted bail, moreover Md. Aiyaz @ Naraha, on whose confession the name of the petitioner and co-accused Md. Amir Khan sprang up, has also been granted bail, let the above named petitioner 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 learned 4th Additional Sessions Judge, Bhagalpur in connection with Sessions Trial



No. 650 of 2018, arising out of Kotwali (Tilkamanjhi) P.S. Case
No. 254 of 2018.

(Dinesh Kumar Singh, J)

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