

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 11023 of 2021**

Arising Out of PS. Case No.-85 Year-2020 Thana- GARDANIBAG District- Patna

MD IMRAN @ PAPPU S/O MD ALI RESIDENT OF BAKARGANJ
BAJAJAGALE, P.S-PIRBHORE, DISTRICT-PATNA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Raj Dular Sah, Advocate
For the Opposite Party/s : Dr Ajeet Kumar, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

5 10-08-2021 This case has been taken up for consideration today
through Video Conferencing.

Heard learned counsel for the petitioner and the
learned Additional Public Prosecutor (for brevity, *APP*)
appearing for the State of Bihar.

The petitioner seeks bail in Gardanibagh Police
Station (for brevity, *PS*) Case No 85 of 2020 instituted for the
offence punishable under Sections 302, 120B of Indian Penal
Code and Section 27 of Arms Act.

Prosecution case is that informant has received
information that his nephew has been shot. He rushed to the
Hospital where doctors have declared his nephew dead.

Learned counsel for the petitioner submits that the



confessional statement of co-accused has led to petitioner's implication in this case and, thereafter, his own confessional statement, implicating himself, has been recorded under police custody. There is no other material in the entire investigation against the petitioner. He is in custody since 16.02.2020. It is further submitted that since the petitioner was having enmity with several persons, he has been done to death by unknown persons and the petitioner, on account of his criminal antecedents in three cases, as per paragraph 3 of this application, has falsely been implicated in this case.

Learned APP has opposed the prayer for bail. He has submitted that there is confessional statement of Md Azad recorded in the case diary who has stated about the petitioner's involvement in the killing. However, parties also admit that the deceased himself was having criminal antecedents.

Considering the rival submissions, prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate XIV, Patna in connection with Gardanibagh PS Case No 85 of 2020 subject to the following conditions:-



(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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