

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20255 of 2021

Arising Out of PS. Case No.-138 Year-2020 Thana- ALAMGANJ District- Patna

MD. ARIF Son of Late Ejarul Haque Resident of Pirbais, Market, Agrawal
Tola, P.S.- Alamganj, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Vinod Pandey
For the Informant	:	Ms. Rina Sinha
For the Opposite Party/s	:	Mr.Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 02-09-2021 This matter is taken up for consideration through
Video Conferencing.

Heard both parties.

The petitioner seeks bail in Alamganj P.S. Case No.
138 of 2020, registered for the offence punishable under
Sections 302, 120B and 34 of the Indian Penal Code and section
27 of the Arms Act.

As per the prosecution case, on 20.02.2020 brother of
informant went to the hospital for treatment and he stayed at
Patna for three days and on 23.02.2020 at about 5.20 informant
got information that his brother has been killed by firearm, on
such information, informant along with family members went to
Alamganj PS and enquired from the police, the police showed



him photograph and he identified his brother. Informant suspects that FIR named accused persons have killed his brother by firearm.

It is submitted on behalf of the petitioner that petitioner is not named in the FIR. During course of investigation, the informant in his re-statement has disclosed the name of co-accused Md. Raja who is friend of deceased and this petitioner is friend of co-accused Md. Raja. Save and except re-statement of informant there is no direct or indirect material against this petitioner which shows his complicity in the alleged occurrence. Petitioner is in custody since 17.06.2020 having clean antecedent. Investigation has already been completed.

Counsel for the informant vehemently opposed the bail application.

Considering the facts and circumstances of the case, the petitioner above-named, is directed to 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 the learned Judicial Magistrate, Patna City in connection with Alamganj P.S. Case No. 138 of 2020, subject to following conditions:-

(i) The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the



court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Prabhat Kumar Singh, J)

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