

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29904 of 2021**

Arising Out of PS. Case No.-362 Year-2019 Thana- MOUZAHDIPUR District- Bhagalpur

MD. ALI S/O MD. JAHANGIR @ JAHANGIR RESIDENT OF MOHALLA
ASHRAF ALAM LANE MAULANACHAK, SAHBAJNAGAR, POLICE
STATION MOJAHIDPUR, DISTRICT BHAGALPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee

For the Opposite Party/s : Mr.A.G

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

3 23-12-2021 Heard learned counsel for the petitioner and Sri
Ram Priya Saran Singh, learned APP for the State.

Petitioner seeks bail in connection with Mojahidpur
P.S. Case no. 362 of 2019 registered for the offence punishable
under section 302/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that
petitioner is in custody since 25.6.2020 and charge sheet has
been submitted. Learned counsel submits that brother of the
informant was shot dead while he was returning on motorcycle
with staff Vikash Kumar Gupta, accordingly, FIR was instituted
against unknown. Learned counsel submits that petitioner is
quite innocent and has not committed any offence as alleged in
the FIR and FIR is against unknown and the petitioner was not



apprehended at the spot and he has been falsely implicated in this case based on confessional statement of Chhotu Kumar @ Aicha and thereafter in the confessional statement of Mano Singh. Learned counsel submits that petitioner has been made accused in the present case only based on his antecedent as mentioned in para 3 of bail petition. Learned counsel submits that Chhotu Kumar @ Aicha has been granted bail by order dated 8.9.2021 in Cr. Misc. no. 9258/2021, apart from other co-accused namely, Gaurav Goswami @ Baba has been granted bail vide order dated 17.8.2021 in Cr. Misc. no. 28675/2021 and Md Ejaj has been granted bail vide order dated 18.11.2021 in Cr. Misc. no. 13113/2021.

Learned APP opposes the prayer for bail and submits that co-accused Chhotu Kumar @ Aicha has been granted bail who has initially named the petitioner in his confessional statement.

Considering the facts that petitioner is in jail custody, charge sheet has been submitted and similarly situated co-accused have been granted bail, the petitioner is directed to be released on bail on furnishing bail bonds of Rs 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Bhagalpur in



Mojahidpur P.S. Case no. 362 of 2019.

(Satyavrat Verma, J)

s.hassan/-

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

