

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37716 of 2021

Arising Out of PS. Case No.-706 Year-2017 Thana- SHASTRINAGAR District- Patna

Md. Bashir Ahmad @ Wasir Mallik @ Wasim Mallik S/O Md. Manjur Mallik
R/o Mohalla- Mehdi Nagar Samanpura, P.S.- Shastri Nagar, District- Patna, at
present resided at Sarari, P.S.- Khagaul, District- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Bhushan, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 09-12-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Shashtrinagar P.S. Case No. 706 of 2017 instituted for the
offences under Sections 302 and 120(B) of the Indian Penal
Code read with Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the
petitioner is in custody since 06.03.2021, has got a criminal
antecedent as mentioned in paragraph '3' of the bail application
and charge-sheet has been submitted in the case.

Learned counsel for the petitioner submits that from
bare perusal of the allegation as alleged in the F.I.R. it would
manifest that the informant Wasi Alam has alleged that on



18.11.2017 at 10.00 pm he came from his shop to his house, took meal and slept. Further, it is alleged that his daughter Saziya aged about 16 years informed him that her uncle Asi Ahmad has been killed by someone. Accordingly, he rushed to his brother's house where he found some persons present and his brother was lying on a *chouki* in a pool of blood and was dead. Accordingly F.I.R. was instituted against unknown.

Learned counsel for the petitioner submits that the name of this petitioner transpired in the confessional statement of co-accused Soni Khatoon wherein she had stated that she was having an illicit relationship with this petitioner and on account of which this petitioner killed her husband. Learned counsel submits that Soni Khatoon later retracted from her statement as would be evident from Annexure-4 which is a petition filed by her in the learned court below. Learned counsel further submits that Soni Khatoon has been granted bail by this Court vide order dated 13.03.2018 in Cr. Misc. No. 14139 of 2018.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

Considering the fact that the petitioner is in custody since 06.03.2021, charge-sheet has been submitted in the case and the name of the petitioner transpired in the confessional



statement of co-accused Soni Khatoon and that she has been granted bail, let the petitioner above named be released on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand only) with two sureties of the like amount each to the satisfaction of learned Sub Judge-IV-cum-A.C.J.M.-IV, Patna in connection with Shashtrinagar P.S. Case No. 706 of 2017 subject to the condition as laid down under Section 437 (3) Cr.P.C.

(Satyavrat Verma, J)

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