

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35989 of 2020

Arising Out of PS. Case No.-255 Year-2019 Thana- SIWAN RAIL P.S. District- Saran

=====

Mohammad Azaharuddin @ Dulare @ Azaharuddin @ Dulare Son of
Nasruddin Resident of Village-Nawalpur, Police Station-Town, District-
Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. D.K.Sinha, Sr. Adv.

Mr.Ajay Kumar Tiwary, Adv.

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

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 19-03-2021 Heard Sri D.K.Sinha, the learned Senior
Counsel for the petitioner and Sri Chandra Bhushan
Prasad, the learned APP appearing for the State.

The petitioner seeks regular bail in
connection with Siwan Rail P.S. Case No. 255 of
2019, registered for the offence punishable under
Sections 302, 120(B)/34 of the Indian Penal Code
and Section 27 of the Arms Act.

The case of the prosecution in brief is that
the informant along with his son and daughter-in-
law of the informant had come to their village
from Kolkata for the purposes of attending
marriage ceremony of their relative and
subsequently the son of the informant had gone to



Siwan Railway Station for taking his wife to Kolkata, on the alleged date and time of occurrence, however, subsequently, the informant got information that his son had been shot in the head resulting in his death.

The learned Senior Counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 11.12.2019. The learned Senior Counsel for the petitioner has further submitted that there is no eye-witness to the alleged occurrence and the name of the petitioner has transpired in the present case merely upon confessional statement having been made by the daughter-in-law of the informant.

Per contra, the learned APP for the State, Sri Chandra Bhushan Prasad, has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking



into account the materials available on record as also those available in the case diary, this Court finds that there is minuscule evidence available in the case diary so as to connect the petitioner with the alleged crime and moreover, there is no eye-witness to the alleged occurrence and the petitioner has been roped in the present case merely on suspicion, apart from the fact that he is having a clean antecedent and he is languishing in custody since 11.12.2019, hence, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate (Railway), Sonpur, District-Saran in connection with Siwan Rail P.S. Case No. 255 of 2019.

(Mohit Kumar Shah, J)

Ajay/-

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

