

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.38243 of 2020**

Arising Out of PS. Case No.-85 Year-2020 Thana- BIRPUR District- Supaul

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Usuf Aalam Son Of Akhatar Aalam Resident Of Village - Balbhadrapur, P.S. -  
Birpur, District - Supaul

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

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**Appearance :**

For the Petitioner : Mr. Ranjay Kumar Singh, Advocate

For the State : Mr. Surendra Prasad Singh, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL ORDER**

3      09-03-2021                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

The petitioner has filed the instant application for grant of regular bail in connection with Birpur P.S. Case no. 85 of 2020 registered under sections 302, 307, 341, 342, 120-B, 379 and 34 of the Indian Penal Code and section 27 of the Arms Act.

As per allegation in the F.I.R., 13 named accused persons are stated to have gathered variously armed. It is further stated that Jagdish Korogiya and Manish Yadav fired as a result



of which the nephew of the informant died on the spot while her husband was injured seriously.

It is submitted by learned counsel for the petitioner that the petitioner is not named in the FIR. His name transpired much later in course of investigation when one of the tea vendors stated before the investigating officer that the petitioner was one of the two persons who was seen by him after the occurrence in a suspicious circumstance. It is submitted that except for this much belated statement by a person who is admittedly not an eye witness, there is no other material against him. The petitioner is in custody since 27.06.2020 and has no criminal antecedent.

The application for bail is opposed by learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the material that has transpired in course of investigation together with the petitioner being in custody since 27.06.2020, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Birpur P.S. Case no. 85 of 2020 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the



satisfaction of the learned Additional Chief Judicial Magistrate  
1<sup>st</sup> , Birpur, Supaul.

**(Partha Sarthy, J)**

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