

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.3714 of 2021**

Arising Out of PS. Case No.-541 Year-2020 Thana- KHAJANCHI HAT District- Purnia

MD. AFTAB Son of Md. Jahid Alam Resident of Mohalla- Sipahi Tola, P.S.-  
K. Hat, District- Purnea.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr.Rashid Izhar, Adv.

For the Respondent/s : Mr.Sadanand Paswan, Spl. P.P.

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

2      27-09-2021

Heard learned counsel for the parties.

The instant appeal has been preferred against the order dated 12.4.2021 passed by the learned Special Judge, S.C. and S.T.(POA) Act, Purnea whereby the prayer for bail of the appellant in a case registered under section 302 and other sections of the Indian Penal Code, sections 25(1-B) (a), 26, 27 and 35 of the Arms Act and section 3(2)(v) of the S.C. and S.T. (Prevention of Atrocities) Act was rejected.

As per the prosecution case, it is stated that the husband of the informant was making preparation for contesting the election. In spite of promise, he was denied ticket by a political party. It is further stated that three accused persons came and as a result of indiscriminate firing, the informant's husband was killed. Further, after the firing, it is stated that one



of the accused also struck him with a knife on his neck.

It is submitted by learned counsel for the appellant that the appellant is not named in the F.I.R. His name transpired in course of investigation. It is submitted by learned counsel for the appellant that from perusal of the order of the learned trial court, which has dealt with in detail with respect to the materials collected in course of investigation, it would transpire that the materials being relied on against the petitioner are the location of his mobile phone as per the call detail report of the petitioner's mobile. Further, in course of investigation, the location of the petitioner on the basis of his conversation with Tanveer Anjum as also the location of other accused persons including Md. Afroz Alam. It is submitted that no pistol has been recovered on the disclosure of this petitioner. As per the contents of paragraph no.77 of the case diary, Md. Afroz, on whose disclosure it is stated that the knife was recovered, has been enlarged on bail vide order dated 2.7.2021 (Annexure-3) passed in Cr. Appeal(SJ) no.1811 of 2021. Other accused persons including Tanveer Anzum and Md. Yusuf have been enlarged on bail vide orders brought on record as Annexures to this petition. The appellant is in custody since 7.10.2020 and chargesheet has been submitted in the case.



The prayer for bail is opposed by learned Special P.P. appearing for the State who submits that from the order of the learned trial court, it would transpire that the pistol was recovered on the disclosure statement of the petitioner.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the material that has transpired in course of investigation which has dealt with in the order of the learned trial court as also grant of bail to the other co-accused, orders of which have been brought on record as Annexure-2 and Annexure-3 series to the petition together with the appellant having remained in custody for more than 11 months, the order dated 12.4.2021 passed by the learned Special Judge, S.C./S.T. Act, Purnea is set aside and the appellant is directed to be enlarged on bail in connection with Special S.C./S.T. Case no.5 of 2021/CIS no.5 of 2021 arising out of K. Hat P.S. Case no.541 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 Special Judge, S.C./S.T. (POA)Act, Purnea.

**(Partha Sarthy, J)**

Saurabh/-

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