

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40395 of 2020

Arising Out of PS. Case No.-113 Year-2020 Thana- THAWE District- Gopalganj

Shahbaj Alam Son of Jamadar Hassan Resident of Village - Karsarawa Khurd,
P.S. - Khampar, District - Dewaria, U.P.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Thakur Mr. Shivam
For the Opposite Party/s	:	Mrs. Sharda Kumari, APP Mr. Ranjeet Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3. 07-04-2021 Heard learned counsel for the parties through virtual mode.

The petitioner seeks bail in Thawe P.S. Case No. 113 of 2020, registered for the offence under Sections 302, 34 of the I.P.C. and Section 27 of the Arms Act.

As per the prosecution case, on 02.07.2020 at about 8:00 AM, the informant alongwith his elder brother (deceased) proceeded on two different motorcycles for Gopalganj and when they reached near Lachhwar More, four unknown bike-borne miscreants on two motorcycles came from backside and made indiscriminate firing, which hit the backside of informant's brother, as a result of which, he fell down and during course of treatment died. It is further alleged by informant that his brother was investigating the illegal appointments of teachers and was



under-pressure of Education officers and teachers, who were pressing him to do some favour and they might have murdered his brother.

It is submitted on behalf of petitioner that petitioner is not named in the FIR and his name has transpired during course of investigation on the basis of confessional statement of co-accused Julfikar Ali @ Bhuttu. It is further submitted that as per FIR, suspicion has been raised against teachers and officials of Education department, who were putting pressure on the deceased, and has been instrumental behind the aforesaid crime. Petitioner is neither teacher nor anyway concern with the office of District Education Officer. Petitioner is in custody since 19.08.2020.

However, counsel for the informant vehemently opposed the bail application and submitted that petitioner is co-villager of co-accused Bashir Anshari and runs a racket for forged appointment of teachers and this petitioner alongwith other co-accused persons hatched a criminal conspiracy and hired contract killers for committing the murder of the deceased.

In view of aforesaid facts and the fact that save & except confessional statement of co-accused and allegedly a co-conspirator, there is no other material to show his complicity in



the aforesaid crime, the bail application of petitioner is allowed.

Let the above named petitioner be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj in connection with Thawe P.S. Case No. 113 of 2020, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J.)

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