

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2116 of 2021

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

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Julfikar Ali @ Bhuttu Son of Amin Main Resident of Village - Khairatiya,
P.S.- Meerganj, District - Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Thakur Mr.Udbhav
For the Opposite Party/s :		Mr.D.P.Tiwary,APP Mr.Ranjeet Kumar Pandey

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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.

Petitioner is not named in the FIR. Name of petitioner has transpired during course of investigation on the basis of his self-confessional statement. It is further submitted on behalf of the petitioner that only material, which has come during course of investigation, is that as per C.D.R., this petitioner was in constant touch with other co-accused persons through Mobile on the date of occurrence. Petitioner is in custody since 19.08.2020.

However, counsel for the informant vehemently opposed the bail application and submitted that this petitioner was threatening the deceased, as he (deceased) was investigating the matter of illegal appointment of teachers and this petitioner runs a racket of illegal appointment of teachers. It is further submitted that the C.D.R. also shows that this petitioner was in touch with other accused persons on mobile on the date of occurrence, which fact has also been corroborated by other co-accused persons in their confessional statement. It is further submitted that petitioner has also got criminal antecedent



and he is accused in three more cases.

In reply, counsel for the petitioner submits that in Mirganj P.S. Case No. 81 of 2011, registered under Section 302 of the IPC and Section 27(1) of Arms Act, petitioner has already been acquitted and in remaining two cases, the petitioner is on bail.

Considering the aforesaid facts & circumstances and the fact that petitioner has been made accused in this case as one of the conspirator and only material that has come against this petitioner is that the tower location of his mobile phone was found near the place of occurrence and he was in touch with other co-accused persons, 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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