

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.3549 of 2021**

Arising Out of PS. Case No.-286 Year-2019 Thana- TATARPUR District- Bhagalpur

Md. Jishan Ali @ Md. Zeshan Ali @ Md. Zishan Ali Son of Md.Nezam
resident of village- Din Mohammedpur lane near Masjid Narga Bazar, P.S-
Nathnagar district- Bhagalpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Ranjan Kumar Jha,Advocate
For the State	:	Mr. Akhileshwar Dayal, APP
For the Informant	:	Mr.Ravi Shankar Pankaj,Advocate

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

5 09-07-2021 Heard learned counsel for the petitioner, learned
counsel for the informant and Mr. Akhileshwar Dayal, learned
APP for the State.

The petitioner in the present case is seeking regular
bail in connection with Tatarpur P.S. Case No. 286 of 2019
registered for the offences punishable under Sections 302/34 of
the Indian Penal Code and 27 of the Arms Act.

Learned counsel for the petitioner submits that the
petitioner has been falsely implicated in this case, the FIR is
against unknown. The name of this petitioner has come in
confessional statement of the co-accused in police custody,
however, there is no independent material to connect the
petitioner with the present case.



Learned counsel further submits that co-accused Raj Kumar Yadav in whose confessional statement the name of the petitioner has transpired has been granted bail by a learned Co-ordinate Bench of this Court in Cri. Misc. No. 12005 of 2020. The other co-accused have been granted bail in Cri. Misc. No. 23298 of 2020 and some more have been released on bail vide orders which are enclosed as Annexure '2' series.

The petitioner has no criminal antecedent as stated in paragraph '3' and he is languishing in custody in connection with this case since 17.12.2020.

Learned counsel for the informant as well as Mr. Akhileshwar Dayal, learned APP for the State have opposed the prayer for bail of the petitioner. It is submitted that the petitioner has been identified in CCTV and in his confessional statement he has accepted that he is in CCTV and was fleeing away. He has disclosed that he had firstly fired upon the deceased and then co-accused Suraj and Md. Alim had fired.

It is further submitted that the confessional statement to that effect is supported by the post mortem report wherein three entry wounds caused by firearms have been found. It is then pointed out that the petitioner has concealed his criminal antecedents inasmuch as from the confessional statement itself it



would appear that this petitioner has got two criminal antecedents. Chargesheet has been filed against the petitioner for the offences under Sections 302/34, 120B of the IPC and 27 of the Arms Act.

Learned APP also referred to the impugned order wherein the learned court below has recorded that the name of the petitioner has transpired in paragraph '238' of the case diary.

Considering the facts and circumstances of the case wherein this Court has noticed that the petitioner has concealed his criminal antecedents, his confessional statement as regards the three firearms injuries caused on the deceased finds corroborated with the post mortem report and in CCTV camera also he has been found fleeing away and he accepts in his confessional statement that he is there in the CCTV camera while fleeing away it has been recorded, this Court is not inclined to release the petitioner on bail. The prayer for regular bail of the petitioner is, thus, refused.

For concealment of criminal antecedents in paragraph '3', let a show cause notice be issued to the deponent, namely Jasmin Perween @ Jasmin Praween, wife of Md. Jishan Ali @ Md. Zeshan Ali @ Md. Zishan Ali, resident of Reshalahbag, Habibpur, P.S. Jagdishpur, district Bhagalpur.



Let the show cause be filed within four weeks from
the date of receipt of the show cause.

List this case with the show cause of the deponent
after six weeks i.e. on 23rd August, 2021.

(Rajeev Ranjan Prasad, J)

SUSHMA2/-

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

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

