

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5876 of 2022**

Arising Out of PS. Case No.-536 Year-2021 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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Bikky @ Vicky Khan @ Md. Khawaza Illiyas Son of Md. Jawed Khan
Resident Of Mohalla- Rikabganj, Police Station- Tatarpur, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abdul Wadood, Advocate
For the Opposite Party/s : Ms.Madhuri Lata, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 20-09-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period

of four weeks from today.

The petitioner seeks bail in connection with Kotwali

(Barari) P.S. Case No. 536 of 2021 registered for the offence

under Sections 302, 120(B) and 34 of the Indian Penal Code and

under Section 27 of the Arms Act.

The accused/petitioner is not named in the F.I.R. and

is in custody since 19.08.2021.

The allegation against the petitioner is to commit the

murder of the husband of the informant, along with other co-

accused persons, for previous enmity.



Learned counsel appearing on behalf of the petitioner submitted that petitioner has falsely been implicated in this case due to previous financial transactions. It is submitted that FIR itself speaks that it was the petitioner, who informed over phone to informant regarding occurrence. It is further submitted that as petitioner found involved in conversation with other co-accused person, he was implicated falsely in this case. While concluding the argument, it is specifically submitted that the mobile no., from which threat was advanced, is belong to one Md. Farid as surfaced during the course of investigation, where charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that informant is not the eye witness of the occurrence.

Considering the facts and circumstances as mentioned above, as informant is not the eye witness of the occurrence, where allegation is based upon suspicion coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Kotwali (Barari) P.S. Case No. 536 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two



sureties of the like amount each to the satisfaction of learned
Chief Judicial Magistrate, Bhagalpur/concerned court, subject to
the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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