

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16987 of 2022

Arising Out of PS. Case No.-155 Year-2021 Thana- CHANDI District- Nalanda

MD. RAJA Son of Md. Siraj R/o- Noon Ka Chauraha, Chaughara Gali Devi
Asthan, P.S.- Khajekalan, District - Patna, A/p Laheri Mohalla Post Office
More D.A.V. School Utkhana, P.S.- Laheri, District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Pradhan, Advocate

For the Opposite Party/s : Mr. Ram Samiran Roy, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 10-08-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is in judicial custody in connection
with Chandi P.S. Case No. 155 of 2021 for the offences under
Sections 302, 201 and 120B o of the Indian Penal Code and
Section 27 of the Arms Act.

As per the allegation in the FIR, the informant has
alleged that her brother Md. Raza had come to her place, a
person who was accompanying him returned and thereafter
again came in the evening. Thereafter her brother left the place
along with that person and later she received a call that her
brother has been shot dead and the dead body is in the Sadar
Hospital, Biharsharif. She came to the place, identified her
brother's dead body and lodged this FIR against unknown.



In this case, case diary was called for on 18.07.2022.

Learned counsel for the petitioner submits that although the informant identified his photo to be the person, who had accompanied her brother, no T.I. Parade (as stated in paragraph-9 of the bail application) was done after his arrest. It is further submitted that the police pressured him to make a confessional statement in which he has confessed that it was accused Shamsher, who opened fire and killed the brother of the informant. He lastly submits that he is in custody since 07.08.2021 (as stated in paragraph-14 of the bail application) and he is ready to abide by all the terms and conditions imposed by this Court, if he released on bail.

Learned APP for the State submits that after his arrest, he had made a confessional statement narrating the incident alleging that it was accused, Samsher, who killed the brother of the informant. He however, after going through the different paragraphs had not found any statement regarding the holding of the T.I. Parade.

Taking into account the fact that allegation against the is of having last seen with the brother (deceased) of the informant, charge sheet stands submitted and he is in custody since 07.08.2021, this Court is inclined to grant him the



privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned ACJM, Hilsa (Nalanda) in connection with Chandi P.S. Case No. 155 of 2021, subject to the following conditions.

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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