

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28937 of 2021

Arising Out of PS. Case No.-322 Year-2020 Thana- KRITYANAND NAGAR District-
Purnia

=====

MD. DILWAR ALAM @ DILWAR ALAM @ ALAM S/o Md. Mukhtar
Amim R/o village- Bhokraha, P.S.- K. Nagar, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Md. Hussain, Advocate
For the Opposite Party/s : Ms. Nirmala Kumari, APP

=====

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 03-01-2022 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 394, 397 and 302 of the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution case, two accused persons are stated to have stopped the brother of the informant on the point of a firearm and it is further stated that on the brother of the informant resisting the loot, one of the accused fired on him as a result of which his brother fell down injured. The informant's brother died subsequently.

It is submitted by learned counsel for the petitioner that the FIR was registered against unknown. The name of the petitioner transpired in course of investigation when the stolen



motorcycle was allegedly recovered from the possession of the petitioner. It is submitted by learned counsel that even as per the confessional statement recorded in paragraph no. 99 of the case diary the alleged assailant is co-accused Rehan and not the petitioner herein. The petitioner is in custody since 8.12.2020 and has no criminal antecedent. Charge sheet has been submitted in the case.

Heard learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts of the case, the petitioner having remained in custody for over 1 year and charge sheet having been submitted in the case, the Court directs the petitioner to be enlarged on bail in connection with K.Nagar (Champanagar) P.S. Case no. 322 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Purnea.

(Partha Sarthy, J)

Prakash/-

U			
---	--	--	--

