

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23239 of 2022

Arising Out of PS. Case No.-376 Year-2021 Thana- MURLIGANJ District- Madhepura

Md. Adud Son of Md. Ramjan Resident of Village - Bhatkhora, Sonvarsha,
Ward no.07, P.s.- Murliganj, Distt.- Madhepura.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Advocate.

For the Opposite Party/s : Mr. Harendra Prasad, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 01-09-2022 Let the defect, if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Murliganj P.S. Case No. 376 of 2021 lodged under Sections 302,
307, 326, 387/34 of the Indian Penal Code read with Section 27
of the Arms Act.

As per the prosecution case, the allegation of
committing murder by way of fire arm is upon Biren Yadav @
Birendra Yadav in which Mohd. Rehman died and Mohd. Idrish
and Gautam were injured.

Learned counsel for the petitioner submits that
petitioner is not named in the F.I.R. He further submits that

there is a specific allegation against Biren Yadav @ Birendra Yadav of making fire, there is no allegation at all against the present petitioner. His name has figured in this case by virtue of confessional statement of co-accused. He further submits that petitioner is in custody since 06.12.2021, chargesheet has already been filed in this case and petitioner is having clean antecedent.

Learned counsel for the State opposes the prayer for bail but simultaneously admits that specific allegation is against Biren Yadav @ Birendra Yadav only.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Madhepura in connection with Murliganj P.S. Case No. 376 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall resulted into cancellation of his

bail bond.

B. One of the bailor shall be close relative who shall file affidavit before the court about his relation with the petitioner.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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