

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15506 of 2022

Arising Out of PS. Case No.-149 Year-2021 Thana- TATARPUR District- Bhagalpur

Md. Shahrukh, Son of Late Firoj Resident of Village - Ganichak, P.S.-
Habibpur, District - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 15069 of 2022

Arising Out of PS. Case No.-149 Year-2021 Thana- TATARPUR District- Bhagalpur

Md. Pintoo, S/o Md. Salauddin @ Wardi Resident of Moajjamchak, P.S.-
Habibpur, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 24754 of 2022

Arising Out of PS. Case No.-149 Year-2021 Thana- TATARPUR District- Bhagalpur

Md. Aftab @ Md. Aftab Alam, Son of Md. Nijarul Hasan @ Md. Chand
Resident of village - Moajjamchak, P.S.- Habibpur, District - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 15506 of 2022)

For the Petitioner/s : Mr. Pravin Kumar Sinha

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1

(In CRIMINAL MISCELLANEOUS No. 15069 of 2022)

For the Petitioner/s : Mr. Md. Najmul Hodda

For the Opposite Party/s : Mr. Aditya Narayan Singh.1

(In CRIMINAL MISCELLANEOUS No. 24754 of 2022)

For the Petitioner/s : Mr. Nilesh Sinha

For the Opposite Party/s : Mr. Shailendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR



ORAL ORDER

3 21-09-2022 Heard learned counsel for the petitioners and learned APP for the State.

The petitioner seeks bail in connection with Tatarpur P.S. Case No. 149 of 2021, G.R. No. 3725 of 2021, registered for the offences punishable under Section 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution case, emerging from the FIR, when the informant and respondent was sitting in his house, the petitioners came there and knocked the door. It is further alleged that when the son of the informant came out of the door, the informant heard the sound coming from near the gate. When the informant went there, he saw his son lying there in injured condition. Thereafter, the informant took his son to the hospital, where Doctor declared him dead.

The learned counsel for the petitioners submit that the petitioners are innocent and has falsely been implicated in this case. They further submit that the present FIR has been lodged against unknown persons because even the



informant was not aware who has committed the crime. He further submits that even after completion of the investigation, there is no clinching material on record to connect the petitioners with the alleged offence. They further submit that allegedly there is confessional statement of the petitioner before the police confessing the alleged crime, however, there is no clinching independent material to connect these petitioners with the alleged offence. They further point out that informant and one close relative of the deceased have already been examined in the trial but none of them have supported the prosecution case against the petitioners.

The petitioners of Cr. Misc. No. 15506 of 2022; Cr. Misc. No. 24754 of 2022; and Cr. Misc. No. 15069 of 2022 have been languishing in jail since 1.09.2021; 15.11.2021; and 05.09.2021, respectively.

It is also stated in paragraph no. 2 of the petitions that the petitioner has never moved before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 of Cr.



Misc. No. 24754 of 2022 that the petitioner has earlier been made accused in seven more cases, namely, Mojahidpur P.S. Case No. 86 of 2015, Mohahidpur P.S. Case No. 200 of 2015, Mojahidpur P.S. Case No. 150 of 2015, Mojahidpur P.S. Case No. 03 of 2018, Nathnagar P. S. Case No. 380 of 2016, Mojahidpur P.S. Case No. 232 of 2017 and Mojahidpur P.S. Case No. 170 of 2020.

However, the learned APPs for the State vehemently oppose the prayer for bail saying that the alleged offence is serious in nature and they themselves have confessed to the Police regarding commission of the alleged crime. But they fairly concede that as per the deposition of the informant and one other witness, who is also a close relative of the deceased, there is no incriminating evidence against the petitioners.

Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the concerned court below, in



connection with Tatarpur P.S. Case No. 149 of 2021 on the following conditions:

(i) The petitioners will make themselves available for interrogation by a police officer/court as and when required.

(ii) The petitioners will undertake that investigation/trial will not hamper on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioners have criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedent despite their knowledge of the same.



(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioners.

The application stands allowed accordingly.

The learned counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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