

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36646 of 2021

Arising Out of PS. Case No.-137 Year-2021 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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1. MD SHAMSAD @ SHAMSHAD S/o Late Md. Daud R/o village- Hardiya, P.S.- Muffasil, District- Begusarai
 2. MD INAM S/o Late Md. Sattar R/o village- Hardiya, P.S.- Muffasil, District- Begusarai
 3. MD IKRAMUL @ SONU S/o Late Md. Sattar R/o village- Hardiya, P.S.- Muffasil, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	M/s Ajai Kumar Thakur, Vaishnavi Singh, Advocates
For the Opposite Party/s	:	Mr. Ram Bilas Rai Raman, APP
For the Informant	:	Mr. Nikhil Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 28-01-2022 Heard learned counsel for the parties through video conferencing.

The petitioners have preferred this application for grant of regular bail in a case registered under sections 302, 307 and other sections of the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution case, the informant states that she and one Md. Imtiyaz had entered into a love marriage and were living together. She received information that her husband has been killed and they have taken him to Sadar Hospital. She



apprehends that her father, uncles and her mother have a hand in the occurrence.

It is submitted by learned counsel appearing for the petitioners that the three petitioners in the instant application who are the uncles of the informant have been falsely implicated in the case only on the basis of an unsubstantiated suspicion. Two fardbeyans were recorded one by the informant on 4.3.2021 at 1812 hours and the other by an injured Md. Rahmat Ali on 4.3.2022 at 2040 hours. The said Md. Rahmat Ali in his statement has categorically stated that as a result of firing by two unknown accused persons who were wearing a mask, that the husband of the informant sustained gunshot injuries and fell down. The said Md. Rahmat Ali also sustained firearm injuries in the said occurrence. Learned counsel has taken the Court through the material that has transpired in course of investigation to submit that the only material being relied on against the petitioners are the call detail reports etc. of their mobile phones. The petitioner no. 1 is in custody since 8.3.2021 and the petitioner nos. 2 and 3 are in custody since 5.3.2021. Chargesheet has been submitted in the case.

The application for bail is opposed by learned APP for the State and learned counsel for the informant. It is submitted



by learned counsel for the informant that the petitioners along with others have regularly been threatening the informant and material has transpired in course of investigation to connect them with the murder of the informant's husband.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the material that has transpired in course of investigation and chargesheet having been submitted in the case, the three petitioners are directed to be enlarged on bail in connection with Begusarai (Muffasil) P.S. Case no. 137 of 2021 on each of them 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, Begusarai.

(Partha Sarthy, J)

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