

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41559 of 2021

Arising Out of PS. Case No.-401 Year-2020 Thana- TAJPUR District- Samastipur

MD JAMI @ MD MASIUZZAMAN Son of Md. Badiuzzaman Resident of
Village - Mahmadpur Quari, P.S.- Tajpur (Waini O.P.), Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anshu Dhar Sharma

For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 03-03-2022 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection with Tajpur P.S. Case No. 401/2020, registered for the offence punishable under Sections 302/394/34 of the Indian Penal Code and Section 27 of the Arms Act.

The allegation is regarding two unknown accused persons having intercepted the son of the informant while he was coming from the Bank, whereafter they had snatched a sum of Rs. 2.3 lacs and had murdered the son of the informant.

The learned counsel for the petitioner has



submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 12.2.2021. The learned counsel for the petitioner has further submitted that the name of the petitioner has transpired in the present case upon disclosure made by the co-accused person, namely, Md. Danish, in his confessional statement before the police and the said Md. Danish has already been granted the privilege of bail by this Court vide order dated 7.1.2022 passed in Criminal Miscellaneous No. 29026/2021. It is further submitted that there is no evidence whatsoever on record of this case to connect the petitioner with the alleged crime.

Per contra, the learned APP for the State, Md. Syed Ahmad, has vehemently opposed the prayer for bail and has referred to the case dairy to submit that the name of the petitioner has transpired in the present case upon disclosure made by the co-accused person, namely, Md. Danish, in his confessional statement.



Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the parity of the case of the petitioner with that of the co-accused person, who has already been granted bail by a coordinate Bench of this Court, apart from the fact that the petitioner is having a clean antecedent and he is languishing in custody since more than a year, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM, I, Samastipur in connection with Tajpur P.S. Case No. 401/2020.

(Mohit Kumar Shah, J)

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