

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47004 of 2022

Arising Out of PS. Case No.-83 Year-2015 Thana- BELDOUR District- Khagaria

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1. Md. Salim Ali S/O Lilku Ali Resident of village- Sukhar Gaht, Aalainnagar, District- Madhepura.
 2. Md. Rustam Ali S/O Musrat Ali Resident of village- Sukhar Gaht, Aalainnagar, District- Madhepura.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Ashok Kumar, Advocate
For the Opposite Party : Mr. Pranav Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 21-11-2022 Heard learned counsel appearing on behalf of the
petitioners and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioners seeks bail in connection with Beldaur
P.S. Case No. 83 of 2015 registered for the offence under
Sections 302, 120(B) and 34 of Indian Penal Code and under
Section 27 of the Arms Act.

The accused/petitioners are not named in the F.I.R.
and both are in custody since 21.04.2022

The allegation against the petitioners is to commit the



murder of the informant, alongwith other named co-accused persons, due to previous enmity.

Learned counsel appearing on behalf of the petitioners submitted that name of petitioner surfaced on the basis of confessional statement of co-accused, namely, Sunil Sharma, in furtherance thereof, no incriminating material surfaced/recovered, during the course of investigation, which may connect this, petitioner *prima facie*, with the present occurrence/murder. It is further pointed out that said co-accused, Sunil Sharma, has already been granted bail by one of the Coordinate Bench of this court through Cr.Misc. No. 26964 of 2015 vide order dated 14.10.2015. It is further submitted that informant is not the eye-witness of the occurrence and merely on the basis of suspicion as mobile phones of both petitioners were found near about the place of occurrence, both above named petitioners were falsely implicated in the present case, which otherwise having no bearing over merit of the case. It is further pointed out that petitioner No. 1 is involved in one more criminal case, whereas petitioner No. 2 is a man of clean antecedent. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of



tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded the fact that both the petitioners are not named in the F.I.R.

Considering the facts and circumstances as mentioned above, as no incriminating material was recovered/surfaced during the course of investigation, to connect both petitioners *prima facie*, with the present allegation of murder, coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Beldour, P.S. Case No. 83 of 2015 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate, Khagaria/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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