

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47819 of 2022

Arising Out of PS. Case No.-488 Year-2022 Thana- ARA NAGAR District- Bhojpur

Md. Mahfuz @ Vickky Son of Mr. Md. Shamim Resident of Village - Milki
Mohalla, P.S.- Ara Town, Distt.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate
	:	Mr. Ritwik Thakur, Advocate
	:	Mr. Vaishnavi Singh Vaibhav, Advocate
For the Opposite Party/s	:	Mr. Amit Anand, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-11-2022 Heard learned counsel appearing on behalf of the
petitioner 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 petitioner seeks bail in connection with Ara Town
P.S. Case No. 488 of 2022 registered for the offence under
Section 302, 120(B)/34 of the Indian Penal code and Section 27
of the Arms Act.

The accused/petitioner is not named in the F.I.R. and
is in custody since 15.06.2022.

The allegation against the petitioner is to commit the
murder of the husband of the informant along with other co-
accused persons.



Learned counsel appearing on behalf of the petitioner submitted that the name of petitioner surfaced on the basis of confessional statement of co-accused and in furtherance, there is no incriminating material recovered/surfaced during the course of investigation, which may connect petitioner, *prima facie*, with the present set of occurrence/murder. It is further submitted that petitioner is a local person doing business in sale and purchase of basket, made up of bamboo, having clean antecedent and has been falsely implicated under misconceptions of fact, whereas no incriminating material surfaced during the course of investigation. It is also submitted that petitioner is suffering from serious liver ailments required immediate medical attention. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is complete, where charge-sheet has been submitted, as such, there is no chance of tempering with the evidence.

Learned APP, while opposing the prayer of bail fairly conceded the fact that he is not named in F.I.R.

Considering the facts and circumstances as mentioned above, as nothing surfaced during the course of investigation to connect this petitioner, *prima facie*, with the present set of



occurrence coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Ara Town P.S. Case No. 488 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur, Ara/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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