

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67239 of 2021**

Arising Out of PS. Case No.-193 Year-2021 Thana- MOUZAHDIPUR District- Bhagalpur

MD IMTIAZ, Son of Late Md. Feku Miya @ Md. Fakruddin, Resident of
Mohalla- Mogalpura, Hussainabad, Police Station- Mojahidpur (Babarganj),
District- Bhagalpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.V.N.P. Sinha, Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 16-05-2022 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within two weeks

after start of normal functioning of the Court.

Heard learned Senior Counsel for the petitioner and

Mr. Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with Mojahidpur (Babarganj) P.S. Case No. 193 of

2021 (G.R. No. 2985/2021) registered for the offences

punishable under Section 302/120(B) of the Indian Penal Code.

He is in custody since 16.08.2021. The petitioner is an accused

in eight cases.

Learned Senior Counsel for the petitioner submits that

as per the prosecution story, while the informant was on way his



neighbours Jewa, Intesar, Rahmat and Sahjahan alias Badsah who were standing near the house of Imtiaz started abusing the informant and told that Imtiaz and Izhar confined in jail conveyed the message that his time has completed. It is alleged that on 10.07.2021 the accused persons chased him by making firing and when his daughter came to save him then Md. Intesar fired which hit in the abdomen of his daughter who was pregnant and on way to hospital his daughter died.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the this petitioner has not participated in the alleged occurrence and the specific allegation of firing is against co-accused Md. Intesar. There is no material to connect the petitioner with the present case.

Mr. Akhileshwar Dayal, learned APP for the State is present and has though opposed the prayer for regular bail of the petitioner but has not controverted the submission of learned Senior Counsel for the petitioner.

Having regard to the submission that from the F.I.R. itself it would appear that this petitioner has not participated in the alleged occurrence and the specific allegation of firing is against co-accused Md. Intesar, there being no material to



connect the petitioner with the present case and the submission of learned Senior Counsel for the petitioner having remained uncontroverted by learned A.P.P. for the State, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Mojahidpur (Babarganj) P.S. Case No. 193 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

vats/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

