

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72049 of 2021**

Arising Out of PS. Case No.-556 Year-2021 Thana- ARARIA District- Araria

MD. ARSHAD @ ARSHAD Son of Md. Israil Resident of Doria Sonapur,
Ward No. 10, P.S.- Simraha, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Sharma, Advocate
For the Opposite Party/s	:	Mr. Lalan Kumar, APP
For the Informant	:	Mr. Pankaj Kumar Jha, Advocate
		Mr. Anil Prasad Singh, Advocate

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 23-05-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offences punishable under Sections 302, 201 and 34 of the
Indian Penal Code read with Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the
petitioner is in custody since 06.08.2021, is a person with clean
antecedent and charge-sheet has been submitted in the case.

The informant alleges that his elder brother used to
run an e-rickshaw but on 04.07.2021 didn't come back home on
his usual time, accordingly a search was made but his brother
could not be located anywhere, it is next alleged that on the very
next morning on 05.07.2021, at about 6:00 am, the informant



received an information that some unknown criminals had shot his brother dead and have thrown the body at the place of occurrence, thereafter the informant reached the place of occurrence and identified the deceased as his brother, further the e-rickshaw was also missing.

Learned counsel for the petitioner submits that the F.I.R. was against unknown and the name of the petitioner transpired in the confessional statement of co-accused Md. Amanullah who in his confessional statement accepted that he had killed the deceased and had given the e-rickshaw to the petitioner for selling it. It is further submitted that based on the confession of Md. Amanullah, the petitioner was arrested and the petitioner in his confessional statement has stated that the e-rickshaw was given to him by Md. Amanullah but he was not able to sell as such he gave it to Chandan, thereafter Chandan was also arrested. Learned counsel submits that the petitioner was completely unaware that the e-rickshaw was a stolen one rather he was of the view that Md. Amanullah had given him the e-rickshaw for selling and the papers would be given to him later when the deal gets fixed. It is submitted that even Md. Amanullah has not disclosed in his confessional statement that petitioner had any role in the occurrence.



Learned counsel for the informant and learned A.P.P. for the State vehemently oppose the prayer for bail of the petitioner but the learned counsel for the informant very fairly submits that what has been submitted by the learned counsel for the petitioner is part of the investigation as recorded in the case diary.

Considering the fact that the petitioner is in custody since 06.08.2021, is a person with clean antecedent, charge-sheet has been submitted in the case and taking into consideration the submissions made by the learned counsel for the petitioner, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Araria (R.S.) P.S. Case No. 556 of 2021.

(Satyavrat Verma, J)

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