

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9253 of 2023

Arising Out of PS. Case No.-407 Year-2022 Thana- ARA NAGAR District- Bhojpur

MD. DAROGA S/O ABDUL KARIM R/v- Abarpul, P.S.- Ara Town, District-
Bhojpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gopal Krishna
For the Opposite Party/s : Mr. Dashrath Mehta

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 02-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 302/34 of the Indian Penal Code and Section 27 of Arms Act.

As per allegation in the FIR, the informant alleged that the accused persons including the petitioner opened fire indiscriminately at his son due to which he succumbed to injury during course of treatment.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. It is further submitted that in fact there is no eye witness of the alleged occurrence and only on the basis of suspicion the petitioner has falsely been implicated in the present case. Except suspicion, no



other cogent material has come against the petitioner during course of investigation which shows his complicity in the alleged offence. Moreover, similarly situated co-accused namely, Mr. Talim has already been granted bail by a co-ordinate Bench of this Court vide order 8.2.2023 passed in Cr. Misc. No. 49393 of 2022. The petitioner has got no criminal antecedent and languishing in judicial custody since 13.9.2022.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Arrah (Nagar) P.S. Case No. 407 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Arrah.

(Sunil Kumar Panwar, J)

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