

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7696 of 2023

Arising Out of PS. Case No.-75 Year-2022 Thana- BHAGWAN BAZAR District- Saran

MD. MUSARRAF @ MUBARAK HUSSAIN S/O ASHRAF HUSSAIN R/v-
Nai Bajar Choti Masjid, Ward No. 17, P.S.- Chhapra, District- Saran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manisha

For the Opposite Party/s : Mr.Umeshanand Pandit

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 23-06-2023 Heard learned counsel for the petitioner and
learned APP for the State.

The petitioner has prayed for regular bail in a case
instituted for the offence under Sections 302, 120B/34 of
the IPC and Section 27 of the Arms Act.

As per prosecution case, co-accused Meraj Ahmad
called the son of the informant on telephone to take him Rs.
50,000/- and thereafter the son of the informant went for
taking money but the informant's son did not return till late
night and in the morning the informant was informed on
telephone that her son has been killed by gun shot and his
dead body is lying the boundary of one Mahmood Alam.
Thereafter, the informant along with her husband went there



and saw the dead body of the deceased.

It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case due to dirty village politics. He has committed no offence. Petitioner is not named in the FIR. The name of the petitioner has been transpired during investigation on the basis of re-statement of the informant. He submits that except suspicion, no cogent material has come to show the petitioner has involved in the said occurrence. He further submitted that the other co-accused has already been granted bail by a Co-ordinate Bench vide order dated 21.06.2023 passed in Cr. Misc. No. 5849 of 2023. He is languishing in judicial custody since 24.06.2022.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount



each to the satisfaction of the learned 1st Additional Chief
Judicial Magistrate, Saran at Chhapra in connection with
Bhagwan Bazar P.S. Case No. 75 of 2022.

(Sunil Kumar Panwar, J)

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