

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9581 of 2023

Arising Out of PS. Case No.-201 Year-2021 Thana- MANIHARI District- Katihar

MD. AJGAR @ MD. ASGAR Son of Md. Mukhtar @ Md. Mukhtar R/V-
Bauliya Gumti @ Bauliya, PS- Manihari, Dist- Katihar 854113.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajnish Kumar Singh, Advocate

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 13-07-2023 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 Manihari
P.S. Case No. 201 of 2021 registered for the offence under
Sections 302, 324/34 of the Indian Penal Code and Section 27 of
the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 29.01.2022.

The allegation against the petitioner is to commit
murder of father of informant alongwith other named co-
accused persons while he was doing vaju before offering Namaj.

Learned counsel appearing on behalf of the petitioner



submitted that if narration of the FIR be taken into consideration, it can be said safely that the petitioner arrived on place of occurrence after hearing the sound of firing. This fact further corroborated with his statement as recorded during the course of investigation as mentioned in para-9 of the case diary. It is submitted that as per post-mortem report, the injury found upon stomach, not upon the chest as alleged through FIR and all these facts collectively creates a serious doubt to accept informant as an eye-witness of the occurrence. It is also submitted that other eye-witnesses during the course of investigation also stated that they arrived on place of occurrence after hearing the sound of firing, and as such, the specific allegation against petitioner raised through FIR as to cause fatal firearm injury is not appearing convincing. While concluding the argument, it is submitted that petitioner is a man of clean antecedent, and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above as version of informant being eye-witness of the occurrence is appearing doubtful on its face, coupled with the



fact that charge-sheet has already submitted, where petitioner is in custody since 29.01.2022, accordingly, petitioner above named, is directed to be released on bail in connection with Manihari P.S. Case No. 201 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge-IV, Katihar corresponding to ST No. 307/2022/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

The presence of I.O. in the present case is dispensed with.

(Chandra Shekhar Jha, J)

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