

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.14205 of 2023**

Arising Out of PS. Case No.-98 Year-2022 Thana- KHARIK District- Bhagalpur

MD. SOHEL AKHTAR SON OF LATE HAKIM MOINUDDIN @  
MOHAMMAD MOINUDDIN MANSURI R/O VILLAGE- MUMTAZ  
MOHALLA, P.S.- NAUGACHIA, DISTRICT- BHAGALPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Ranjan Kumar Jha, Adv.

For the Opposite Party/s : Mr.Lakshmi Kant Sharma, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

3      13-07-2023                      Heard learned counsel for the petitioner and the  
learned A.P.P. for the State.

The petitioner seeks bail in connection with Kharik P.S.  
Case No. 98 of 2022 dated 13.04.2022 registered for the offence  
under Sections 302, 307, 120(B) and 34 of the Indian Penal Code  
and Section 27 of the Arms Act.

The petitioner along with six others are alleged to have  
made firing upon the father of the informant while he was  
boarding at tempo due to which he sustained bullet injury and  
succumbed to the injuries during course of treatment.

Learned counsel appearing for the petitioner submits  
that the petitioner is innocent and has falsely been implicated in  
this case. He further submits that the petitioner has not been  
named in the F.I.R. but on the confessional statement of the co-



accused, Bablu Sharma, this petitioner has been apprehended in this case. He further submits that during course of investigation, it has surfaced that the petitioner was seen in the cctv camera which was installed at the petrol pump near the place of occurrence. He further submits that the petitioner was not the assailant rather it is evident from the F.I.R. that one Chandan Sharma has fired upon the deceased. Save and except the confessional statement of the co-accused, no cogent material has surfaced during course of investigation suggesting the involvement of the petitioner in the alleged occurrence. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 20.08.2022.

Learned A.P.P. for the State on the basis of material available on record and the case diary opposed the prayer for bail of the petitioner and submits that it has come during course of investigation especially in the confession of the co-accused that this petitioner has also fired upon the father of the informant causing his death during course of treatment. He further submits that the petitioner carries two more cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail, **after framing of charge** on furnishing bail bond of Rs. 10,000/- (ten thousand)



with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-1st, Naugachia, Bhagalpur in connection with Kharik P.S. Case No. 98 of 2022 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

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 step 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.

**(Rajesh Kumar Verma, J)**

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