

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14343 of 2023

Arising Out of PS. Case No.-125 Year-2022 Thana- GHOGHARDIHA District- Madhubani

Md. Akbar Son of Md. Ishaq @ Ishak Miya Resident of Village - Kariyaut,
Baun Tol, P.S.- Laukahi, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Advocate

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 15-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

02. Let the defect (s), if any, as pointed out by the
office be removed within a period of four weeks.

03. In the present case, the petitioner seeks bail in
connection with Ghoghardiha P.S. Case No. 125 of 2022
registered on 22.09.2022 for the alleged offences under Sections
307, 34 of the Indian Penal Code and Section 27 of the Arms
Act.

04. As per prosecution case, while the informant was
urinating besides a road, four persons on two motorcycle were
speeding away and when the informant objected to this, one of
pillion riders fired upon the informant and the shot hit his thigh.
Name of the petitioner surfaced as one of the miscreants who



was riding the motorcycles.

05. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner has been implicated in this case on the basis of confessional statement of co-accused Deepak Kumar Yadav, who is on inimical terms with the co-accused. Moreover, as per the confessional statement, the allegation of firing is against another co-accused Deepak Thakur and no specific overt act has been attributed against the petitioner, who is in custody since 22.09.2022. Charge-sheet has been submitted in this case. Learned counsel further submits that co-accused Deepak Kumar Yadav has been granted bail by a Co-ordinate Bench of this Court vide order dated 10.05.2023 passed in Criminal Misc. No. 16392 of 2023.

06. Learned APP opposes the prayer for bail submitting that the petitioner is having criminal antecedent.

07. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the lack of substantive material to connect the petitioner with the offences as alleged and further considering the period of custody of the petitioner along with the submission of charge-sheet, the petitioner above named is directed to be released on bail on



furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Jhanjharpur, District-Madhubani in connection with Ghoghardiha P.S. Case No. 125 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

Ashish/-

(Arun Kumar Jha, J)

U		T	
---	--	---	--

