

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22841 of 2023

Arising Out of PS. Case No.-307 Year-2020 Thana- SULTANGANJ District- Patna

MD. SABIR @ SAFI @ DABLU @ SHABEER HASSAN S/O SHAFIK @
IDRISH Resident of Village- Mandai Dargaj, Road Masum Gali, P.S.-
Sultanganj, District- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Vaishanavi Singh, Advocate

For the Opposite Party/s : Mr. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 31-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

2. Learned counsel appearing on behalf of the petitioner
seeks permission to correct the defect(s) as pointed out by the office
during the course of day itself, as same appears very minor in nature.

3. Requests allowed.

4. Accordingly, defect(s) as pointed out by the office, be
corrected during the course of day itself.

5. The petitioner seeks bail in connection with Sultanganj
P.S. Case No. 307 of 2020 registered for the offence under Sections
147, 148, 149, 341, 386 and 302 of the Indian Penal Code and under
Section 27 of the Arms Act.

6. The accused/petitioner is not named in the F.I.R. and is
in custody since 09.01.2023.



7. The allegation against the petitioner is to commit murder of brother of informant alongwith other co-accused persons by causing firearm injuries, where occurrence is arises out of previous enmities due to demand of extortion money.

8. Learned counsel appearing on behalf of the petitioner submitted that petitioner falsely implicated with present case out of local disputes and differences and same can be gathered safely from the fact that Nadim, who accompanied with first informant during the course of occurrence also appears to be witness on inquest report and failed to name this petitioner while lodging this F.I.R. and named petitioner subsequently during the course of investigation. It is further submitted that there is no reason to disbelieve the version of first informant, which claims to be an eye witness of the occurrence raising specific allegation as to cause fatal firearm injuries against co-accused Neyaz. It is submitted that nothing surfaced/recovered during the course of investigation, which may connect this petitioner, *prima facie*, with present occurrence of murder. While concluding the argument, it has been submitted that petitioner found involved in two more criminal case, where he is on bail and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

9. Learned APP opposes the prayer of bail.

10. Considering the facts and circumstances as mentioned



above and by taking note of the fact as save and except confessional statement, nothing incriminating appears against this petitioner during the course of investigation, where first infomrant specifically named co-accused Neyaz to cause fatal firearm injuries, being an eye witness of the occurrence coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 09.01.2023, accordingly, above named petitioner is directed to be released on bail in connection with Sultanganj P.S. Case No. 307 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Patna City, Patna/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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