

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15938 of 2023

Arising Out of PS. Case No.-173 Year-2022 Thana- AHIYAPUR District- Muzaffarpur

Aslam @ Md Aslam Son Of Md Hadish Resident Of Village- Garam Chowk,
Ps- Ahiyapur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hari Kishore Thakur

For the Opposite Party/s : Mr.Ram Naresh Ray

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 13-07-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The petitioner has filed the instant application for grant of regular bail in a case registered for the offences punishable under Sections 302 and 34 of the Indian Penal Code and 27 of Arms Act.

As per prosecution case, it is alleged by the informant that on 27.02.2022, a phone call was came to the phone of her son and he went out of the house saying that he coming soon. The petitioner had taken Rs.20,000/- from her son for which there was dispute several times. It is further alleged that unknown person has shot her son and when he was brought to the hospital where the doctor declared him dead.

It is submitted by learned counsel for the petitioner that the petitioner is innocent and he has falsely been implicated



in the present case out of enmity and previous grudge. There is no eye witness of the alleged occurrence and no specific overt-act against the petitioner. During course of investigation, no consistent evidence has come to show the complicity of the petitioner in the alleged occurrence. It is also submitted that petitioner is languishing in judicial custody since 29.09.2022.

Learned APP appearing for the State and learned counsel for the informant have vehemently opposed the prayer for Bail and submitted that the petitioner is named in the F.I.R.

Having heard learned counsel for the parties and taking into consideration 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 in connection with Ahiyapur P.S. Case No.173 of 2022 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Muzaffarpur.

(Sunil Kumar Panwar, J)

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