

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17180 of 2023

Arising Out of PS. Case No.-948 Year-2022 Thana- ARA NAGAR District- Bhojpur

Md. Amir, S/O Md. Mokhatar, Resident of Village- Dharhara, P.S.- Ara (T),
District- Bhojpur, Ara.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Bachan Jee Ojha, Advocate
For the State	:	Mr.Mohammed Arif, APP
For the Informant	:	Mr. Madanjeet Kumar, Advocate
		Mr. Akash Kumar Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 22-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Ara Town P.S. Case No. 948 of 2022, registered for the alleged offences under Sections 302, 120 (B), 34 of the Indian Penal Code and Section 27 of the Arms Act. Later on, Sections 25 (1-B)A, 26 and 35 of the Arms Act were also added.

3. As per prosecution case, one of the four sons of the informant was murdered by three unknown miscreants. The name of the petitioner surfaced during investigation as one of the accused persons.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. The petitioner has been named in this case on the basis of confessional statement of co-accused Md. Akhtar Hussain. Except for this confessional statement of the co-accused, nothing has come on record against the petitioner showing his complicity in the alleged occurrence. Even in the confessional statement, no role has been assigned to this petitioner for any overt act except saying that the petitioner is a friend of the co-accused. The petitioner is in custody since 21.11.2022 and the charge sheet has been submitted. The petitioner is having clean antecedent. Similarly placed co-accused persons have been granted bail by a Coordinate Bench of this Court vide order dated 16.05.2023 passed in Cr. Misc. No.11390 of 2023 and its analogous case.

5. Learned A.P.P. and the learned counsel appearing on behalf of the informant oppose the prayer for bail. The learned counsel for the informant submits that the petitioner is named by the co-accused and call details report of the petitioner and other co-accused persons show they might be present at the place of occurrence.

6. Perused the records.

7. Having regard to the facts and circumstances and submissions made hereinabove and considering the lack of



substantive material to connect the petitioner with the offence as alleged and further considering the submission of charge sheet and period of the custody of the petitioner as well as his clean antecedent, the petitioner is directed to be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara, in connection with Ara (Town) P.S. Case No. 948 of 2022, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also 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 on 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.

V.K.Pandey/-

(Arun Kumar Jha, J)

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