

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17475 of 2023

Arising Out of PS. Case No.-271 Year-2022 Thana- MUNGER MUFFASIL District- Munger

MD. SHABBIR HUSSAIN @ MD. SHABBIR HASAN @ MD TIPU Son of
Md. Kamruddin @ Mohammad Kamruddin Resident of Village Chak Hasim,
P.S. Mufassil, District-Munger

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashhar Mustafa

For the Opposite Party/s : Mr. Bhanu Pratap Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 04-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 302, 120B of the Indian Penal Code and Section 27 of Arms Act.

3. As per prosecution case, the informant alleged the petitioner is indulged in hatching conspiracy to kill the husband of the informant by shot fire in connivance with other accused persons.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. The informant is not an eye witness of the alleged occurrence rather an attempt was made to develop the case of last seen and



implicated the petitioner in the present case. It is also submitted that the statements of brother & sister of the deceased was recorded vide para 10 to 12 of the case diary wherein, they stated the deceased was called by the accused persons over phone whereas in FIR, it is alleged that accused persons including the petitioner visited the house of the deceased and took him along with them. There is contradiction between FIR and statements of brother & sister of the deceased which creates doubt on prosecution version. Further, the self confession of the petitioner before police is inadmissible in the eye of law. Moreover, the petitioner is languishing in judicial custody since 30.7.2022.

5. Learned APP appearing for the state has opposed the prayer of regular bail and submitted that the petitioner has confessed his guilt regarding commission of the offence.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Muffasil (Munger) P.S. Case No. 271 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the



satisfaction of learned Chief Judicial Magistrate, Munger/
concerned Court.

(Sunil Kumar Panwar, J)

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