

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17811 of 2023

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

MD ADIL SON OF MD. YASIN RESIDENT OF VILLAGE -
DHARAHARA, P.S. - ARA TOWN, DISTT. - BHOJPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Braj Bhushan Mishra

For the Opposite Party/s : Mr.Shyam Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 20-07-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 302, 120(B)/34 of the Indian Penal Code and sections 25(1-b)a, 26 & 35 of the Arms Act.

As per prosecution case, the informant alleged that his son namely, Vikky @Shashikant was shot dead by unknown miscreants. The informant raised suspicion that this son might have been killed on account of business rivalry in pursuance of a conspiracy.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. The prosecution case has been lodged against unknown and the



petitioner has falsely been implicated in this case. The name of the petitioner was transpired in this case on the basis of confessional statement of co-accused namely, Md. Akhtar Hussain, which has got no evidentiary value in the eye of law. There is no eye witness of the alleged occurrence. During course of investigation, no any consistent material has come against the petitioner which suggests his involvement in the alleged occurrence. The petitioner has got no criminal antecedent as stated in para-3 of the petition. Moreover, other co-accused Md. Mustafa has already been granted bail by this court vide order dated 16.5.2023 passed in Cr. Misc. No. 11390 of 2023 hence, the case of this petitioner stands on similar footing of that of co-accused. The petitioner is languishing in judicial custody since 19.11.2022.

Learned APP appearing for the state and learned counsel for the informant have vehemently opposed the prayer of regular bail.

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 Ara Town P.S. Case No. 948



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, Bhojpur at Ara.

(Sunil Kumar Panwar, J)

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