

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.21589 of 2023**

Arising Out of PS. Case No.-105 Year-2022 Thana- KATIHAR MUFFASIL District- Katihar

MD. NAZO @ NAZIR @ MD. NAZIR S/O LATE MD. MAQUBOOL @  
MD. MAKBUL Resident of Village- Bheriya Rahika Goshala, P.S.- Muffasil,  
Katihar, District- Katihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Shashank Shekhar Sinha, Advocate

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA  
ORAL ORDER**

3      13-07-2023                      Heard learned counsel appearing on behalf of the parties.

The petitioner seeks bail in connection with Mufassil P.S. Case No. 105 of 2022 registered for the offence under Sections 302 and 120B/34 of the Indian Penal Code and Section 27 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in custody since 19.07.2022.

The allegation against the petitioner is to commit murder of husband of informant along with other co-accused persons, by causing firearm injury, where, occurrence is arises out of previous enmities.

Learned counsel appearing on behalf of the petitioner



submitted that informant is not the eye-witness of the occurrence and entire allegation is based upon suspicion, as arises out of previous enmities, which can be gathered from narration of FIR, itself. It is submitted that out of said suspicion, nothing incriminating material recovered/surfaced, during course of investigation, which may connect this petitioner, *prima facie*, with present occurrence of murder. It is also pointed out that even the Call Details Report is suggesting that the alleged call was made by co-accused, namely, Bimal Thakur, not by this petitioner. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above and by taking note of fact, as nothing incriminating materials recovered/surfaced, during course of investigation, to connect this petitioner, *prima facie*, with present occurrence of murder coupled with the fact that charge-sheet has already submitted, where, petitioner is in custody since 19.07.2022, let



the petitioner, above named, is directed to be released on bail in connection with Mufassil P.S. Case No. 105 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 learned Additional Sessions Judge-II, Katihar/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

**(Chandra Shekhar Jha, J)**

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