

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26515 of 2023

Arising Out of PS. Case No.-120 Year-2018 Thana- MANSAHI District- Katihar

Md. Mofizuddin @ Muko @ Muziuddin Son Of Anisur Rahman Resident Of
Shanpur Hariprasad, P.S.- Manihari, District - Katihar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Mr. Vaishnavi Singh, Advocate Mr. Bimal Kumar, Advocate
For the Opposite Party/s	:	Mr. Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 24-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Mansahi P.S. Case No. 120 of 2018 dated 05.11.2018, instituted for the offence punishable under Sections 302 of the Indian Penal Code and section 27 of the Arms Act.

3. The prosecution case, in short, is that on 04.11.2018, the petitioner along with co-accused persons assaulted, shot and killed the father of the informant and threatened informant and his brother from coming near him.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he is falsely implicated in this case. It is further stated that there is only one fire arm injury on the



body of the deceased. He further submitted that the allegation against the petitioner is general and omnibus in nature. He further submitted that the post-mortem report does not support the allegations made in the F.I.R. It is further submitted that similarly situated co-accused namely Ambuj Kunwar @ Ambuj Kumar @ Tulo Kunwar has been granted bail by a Co-ordinate Bench of this Court *vide* Order dated 18.12.2019 passed in Criminal Miscellaneous Case No. 59152 of 2019. Lastly, it has been submitted that the petitioner is in custody since 23.02.2023 has three criminal cases against him and charge-sheet has been submitted in the case.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-VI, Katihar in Mansahi P.S. Case No. 120 of 2018, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court



and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

Sankalp/-

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