

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26912 of 2023

Arising Out of PS. Case No.-219 Year-2022 Thana- BALRAMPUR District- Katihar

Mohammad Ehsan @ Md. Ehsan, aged about 25 years (M), son of Abdul Jalil, resident of Village- Sihrole, P.S.- Balia Belone, Distt.- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 25-05-2023 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with Balrampur (Telta) PS Case No.219 of 2022 dated 07.11.2022, instituted for the offence punishable under Sections 302, 120-B/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. The allegation against the petitioner is that on 07.11.2022 at about 8.40 AM when the informant was sitting with her brother, Sanjeev Kumar Mishra, in front of the house then the accused persons came armed with deadly weapons and fired upon the brother of the informant due to which he died. It is further alleged that previously also attempt was made on his brother.

4. Learned counsel for the petitioner submitted that the petitioner is innocent and has been falsely implicated in this case. Learned counsel further submitted that from the FIR itself



it is clear that there is no specific allegation against the petitioner. Allegation of firing is against Mohil Akhtar @ Maulvi, Muneeb Alam, Lalu Sahani, Md. Sarfaraz and Sarwar Alam. Allegation against the petitioner is that he was present at the time of occurrence and he also fired in the air. Learned counsel further submitted that similarly situated co-accused Mohammad Noor Islam @ Md. Noor Islam has already been granted bail by a co-ordinate Bench of this Court by order dated 23.05.2023 passed in Cr. Misc. No. 26778 of 2023. Learned counsel further submitted that the petitioner has no concern with the accused persons and merely on suspicion he has been implicated in this case. Lastly, it is submitted that the petitioner is in custody since 09.11.2022 having clean antecedents and charge-sheet has been submitted in the case.

5. Learned APP has opposed the prayer for bail.

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 ACJM, VI, Katihar, in Balrampur (Telta) PS Case No.219 of 2022.

(Khatim Reza, J)

J. Alam/-

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