

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29419 of 2022

Arising Out of PS. Case No.-11 Year-2022 Thana- BALIA BELON District- Katihar

Md. Nazim @ Md. Najim, S/O Late Arif @ Kanna R/O Village- Baghua, P.S.-
Baliya Belon, District- Katihar

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 29465 of 2022

Arising Out of PS. Case No.-11 Year-2022 Thana- BALIA BELON District- Katihar

Md. Akbar @ Akbar Alam, Son Of Late Gaffar Resident Of Village- Baghua,
P.S- Baliya , Belon, Dist- Katihar

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 29419 of 2022)

For the Petitioner/s : Mr. Rajendra Prasad Sah- Advocate

For the State : Mr. Chandra Bhushan Prasad- A.P.P.

For the Informant : Mr. Murityunjay Kumar- Advocate

(In CRIMINAL MISCELLANEOUS No. 29465 of 2022)

For the Petitioner/s : Mr. Rajendra Prasad Sah- Advocate

For the State : Mr. Chandra Bhushan Prasad- A.P.P.

For the Informant : Mr. Murityunjay Kumar- Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

4 09-02-2023 **CRIMINAL MISCELLANEOUS No.29419 of 2022**

Heard learned counsel for the petitioner, the learned
counsel for the informant and learned APP for the State.

The petitioner seeks bail in a case registered for the
offences punishable under Sections 302, 120B, 34 of the Indian
Penal Code and Section 27 of the Arms Act.



The learned counsel for the petitioner submits that the petitioner is in custody since 08.04.2022, he is a person with clean antecedent and the informant alleges that on 02.02.2022 at about 7.30 P.M., she received an information that her husband Md. Akil (deceased) has been shot at Sajdhariya Tola Bandh.

Accordingly, the informant along with her family members reached the place of occurrence and found her husband lying unconscious and blood was oozing from his head. It is further alleged that prior to the occurrence, several calls on the mobile of the deceased came from various numbers as mentioned in the F.I.R. Thus, the informant, on the basis of suspicion, gave name of six persons including the petitioner for committing the occurrence.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. It is next submitted that based on suspicion, the present F.I.R. has been instituted. It is also submitted that during the course of investigation, nothing has come, which could even remotely connect the petitioner with the offence. It is further submitted that the police while investigating the case, came across a mobile bearing no. 9693708336, on which the accused had talked during the time of the occurrence.



Accordingly, the said mobile number was investigated and it was found that it belonged to one Mustafa Nasiruddin, who was apprehended as would manifest from Para-117 of the case diary. It is next submitted that Mustafa Nasiruddin disclosed that Md. Riyaz is his mama and Jainul is his brother-in-law with whom he was talking and both are named in the F.I.R.

The learned counsel next submits that this, in no manner, even remotely reflects the involvement of the petitioner in the occurrence. The learned counsel further submits that during the course of investigation also, the police had investigated several mobile numbers, but no mobile of the petitioner was found to be involved in the occurrence.

The learned counsel at the cost of repetition submits that the entire allegation hinges around suspicion and the petitioner is a person with clean antecedent and there is no eye witness of the occurrence.

The learned Additional P. P. as well as the learned counsel for the informant opposes the bail application, but they are not able to rebut the submission of the learned counsel for the petitioner that during the course of investigation, nothing has come which could even remotely connect the petitioner with the



offence, nor the mobile number, which have been investigated, pertains to the petitioner.

Considering the submission made by the learned counsel for the petitioner, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Baliya Belon P. S. Case No.11 of 2022.

The application stands allowed.

However, in the event, if the learned trial Court comes to a conclusion that the petitioner after his release is trying to delay the trial in any manner, the learned trial Court shall forthwith cancel his bail bonds after recording reasons and shall take all coercive steps to ensure that petitioner is behind bar.

CRIMINAL MISCELLANEOUS No. 29465 of 2022

Heard learned counsel for the petitioner, the learned counsel for the informant and learned APP for the State.

The petitioner seeks bail in a case registered for the offences punishable under Sections 302, 120B, 34 of the Indian Penal Code and Section 27 of the Arms Act.

The learned counsel for the petitioner, at the outset,



submits that though in the anticipatory bail application, it has been stated that petitioner is a person with clean antecedent, but after filing of the present anticipatory bail application, the petitioner came to be remanded in a case, which was registered against unknown. Hence, petitioner was not aware about any case pending against him prior to filing of the present case.

It is further submitted that petitioner is in custody since 09.03.2022 and the case of the petitioner is akin to the case of Md. Nazim @ Md. Najim, who has been granted bail by order dated 09.02.2023 in Cr. Misc. No.29419 of 2022.

It is next submitted that even during the course of investigation, no material surfaced which could even remotely connect the petitioner with the offence and none of the mobiles, investigated by the police, belonged to the petitioner.

The learned Additional P. P. as well as the learned counsel for the informant opposes the bail application, but the learned counsel for the informant very fairly submits that the case of this petitioner is akin to the case of Md. Nazim @ Md. Najim.

Considering the submission made by the learned counsel for the petitioner, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in



the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Baliya Belon P. S. Case No.11 of 2022.

The application stands allowed.

However, in the event, if the learned trial Court comes to a conclusion that the petitioner after his release is trying to delay the trial in any manner, the learned trial Court shall forthwith cancel his bail bonds after recording reasons and shall take all coercive steps to ensure that petitioner is behind bar.

(Satyavrat Verma, J)

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