

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29865 of 2023

Arising Out of PS. Case No.-46 Year-2023 Thana- MOTIHARI TOWN District- East
Champaran

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Tabrej @ Tabrej Alam, S/O Jaimudin Miya R/O Village- Raghunathpur, P.S-
Turkauliya, Distt.- East Champaran.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prateek Tandon
For the Opposite Party/s : Mr.Md. Fahimuddin

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 26-07-2023 1. Heard learned counsel for the petitioner and
learned APP for the State.
2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 341, 323, 307, 34 of the Indian Penal Code and Section
27 of the Arms Act.
3. The learned counsel for the petitioner submits that
the petitioner is a person with clean antecedent and the
informant alleges that while he along with his son in-law and
daughter were returning home, when he was dashed by a
motorcycle, on which three accused were sitting. Thereafter,
people gathered and scolded the accused persons and they left.
It is further alleged that thereafter, the informant along with his



son in-law and daughter came to his house, when the three accused along with some unknown persons came and abused him and when he came out of the house, one person fired, but he saved himself.

4. The learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. It is next submitted that F.I.R. was instituted against unknown and during the course of investigation one Mustafa was arrested, who, in his confession, disclosed the name of the petitioner. It is further submitted that confession in police custody does not have any evidentiary value. The learned counsel submits that Mustafa in order to save himself has falsely stated that it was petitioner, who fired and the shot misfired, when petitioner was not even present at the place of occurrence.

5. Learned A.P.P. opposes the bail application.

6. Considering the submissions made by the learned counsel for the petitioner and the fact that petitioner is a person with clean antecedent, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, 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 the learned C.J.M., Motihari, East Champaran in connection with Motihari Town P. S. Case No.46 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

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