

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37869 of 2023

Arising Out of PS. Case No.-948 Year-2022 Thana- ARA NAGAR District- Bhojpur

Md Timal @ Tibla @ Brusali @ Md Salim Hashmi @ Timla S/O Sohrab
Mian R/O Village-Bhaluhipur, P.S. Ara Down, Dist.-Bhojpur
... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Gopal Krishna, Advocate
For the Opposite Party : Mr. Ram Sevak Choudhary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 07-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Ara Town P.S. Case No. 948 of 2022 dated 11.11.2022, instituted for the offences punishable under Sections 320/120(B)/34 of the Indian Penal Code and Section 25(1-b)a, 26, 35 and 27 of the Arms Act.

3. The prosecution case, in short, is that the informant's son, namely, Vicky @ Shashikant has been killed by three unknown miscreants. On post-mortem, seven gunshot injuries were found on the body of the deceased.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has falsely been implicated in



this case. It is submitted that the petitioner is not named in the F.I.R., no material evidence is against the petitioner and only on the basis of self-confessional statement he has been made accused in this case. Till date no T.I.P.(Test Identification Parade) has been made. It is further submitted that there is no eye-witness to occurrence. Further, it is submitted that similarly situated persons have been granted bail by different co-ordinate Benches of this Court on different dates (*Md. Mustafa in Cr. Misc. No. 11390 of 2023* and *Md. Irfan in Cr. Misc. No. 18684 of 2023 vide common order dated 16.05.2023* and *Md. Amir in Cr. Misc. No. 17180 of 2023 vide order dated 22.05.2023*). Lastly, it has been submitted that the petitioner is in custody since 25.12.2022, has four 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 Chief Judicial



Magistrate, Bhojpur at Ara in Ara P.S. Case No. 948 of 2022
subject to the following conditions:-

- i. 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.
- ii. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.
- iii. 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.
- iv. 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)

shanu/-

U		T	
---	--	---	--

