

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41573 of 2023

Arising Out of PS. Case No.-76 Year-2019 Thana- KOCHADHAMAN District- Kishanganj

Noorshad @ Don @ Noorshad Alam S/O Matiur Rahman R/O Village-
Pothimari Jagir PS. Kochadhaman Dist. Kishanganj

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar

For the Opposite Party/s : Mr.Mithlesh Kumar Khare

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 14-07-2023 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner has filed the instant application for grant of regular bail in a case registered for the offences punishable under Sections 392, 302, 396 of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, the informant's brother namely Punchu Nand Karmakar @ Punchu (deceased) was shot dead and his dead body was lying in maize field and assailants took away cash and jewellery from dicky of his motorcycle. The F.I.R. of the occurrence of robbery with murder is against unknown.

It is submitted by learned counsel for the petitioner that the petitioner is innocent and he has falsely been implicated in the present case. The petitioner is not named in the F.I.R. and his name has been transpired during investigation on the basis of confessional statement of co-accused Mehjad Alam @ Mistar Raja @ Mejad



Akhtar, which has got no evidentiary value in the eye law. Except the confessional statement of co-accused, no other cogent material has come during investigation against the petitioner to suggest the involvement of the petitioner in the alleged occurrence. Nothing has been recovered from the conscious possession of the petitioner. Similarly situated other co-accused persons have already been granted bail by a co-ordinate Bench of this Court vide order dated 06.03.2020, 27.04.2021 and 08.05.2023 passed in Cr. Misc. No. 82395 of 2019, 6838 of 2021 and 64833 of 2022 respectively. It is also submitted that petitioner is languishing in judicial custody since 13.04.2022.

Learned APP appearing for the State has vehemently opposed the prayer for Bail.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Kochadhaman P.S. Case No. 76 of 2019 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-III, Kishanganj.

(Sunil Kumar Panwar, J)

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