

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41307 of 2023

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

Md. Jamil Akhtar @ Jamil Akhtar Son Of Shohrab Mallah Resident Of
Village- Kazi Tola, Sahjana, Ps- Ajam Nagar, District- Katihar

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Alok Kumar Alok
		Mr. Mirityunjay Kumar
For the Opposite Party/s :		Mr.Shailendra Kumar Singh

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 prayed for regular bail in a case registered for the offence punishable under sections 302, 120B, 34 of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, the allegation against the accused persons including the petitioner is that they committed murder of the informant's husband by means of opened firearm.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case merely on the basis of suspicion. The informant is not an eye witness of the alleged occurrence. There is no specific overt-act of commission of murder attributed against the petitioner and except suspicion



nothing consistent material has come out against the petitioner. Similarly situated co-accused has already been granted bail by a coordinate Bench of this Court vide order dated 01.11.2022 passed in Cr. Misc. No. 42185 of 2022. It is further submitted that the petitioner is languishing in judicial custody since 02.07.2022.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Balia Belon P.S. Case No. 11 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-Ist Class, Katihar.

(Sunil Kumar Panwar, J)

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