

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 42994 of 2023**

Arising Out of PS. Case No.-219 Year-2022 Thana- BALRAMPUR District- Katihar

MD KALU SON OF LATE HAIDAR @ MD GULAM HAIDAR
RESIDENT OF VILLAGE- SABANPUR, KURUM, PS- BALIYA BELON,
DISTRICT- KATIHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr Sharda Nand Mishra, Advocate
For the State	:	Mr Md Ataur Rahman, APP
For the Informant	:	Mr Bimal Kumar, Advocate

CORAM: HONOURABLE MR JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 21-07-2023 Heard learned counsel for the petitioner and the learned APP.

The petitioner has preferred this application for grant of regular bail in connection with Balirampur (Telta OP) PS Case No 219 of 2022 dated 07.11.2022 registered for the offence punishable under Sections 302, 120B/34 of the IPC and Section 27 of the Arms Act.

As per the prosecution case, the co-accused persons fired on the informant's brother who died on the spot. Further allegation is that the petitioner, the co-accused persons and 5-6 unknown persons were firing in the air to prevent the people to come to the house of the informant.



Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner bears five criminal antecedents, as stated in paragraph 3 of the bail petition in which he is on bail. It is further submitted that the co-accused Mohammad Noor Islam @ Md Noor Islam has already been granted bail by the co-ordinate Bench of this Court vide order dated 23.05.2023 passed in Cr Misc No 26778 of 2023. The petitioner is in custody in this case since 12.11.2022.

Learned APP has vehemently opposed the bail petition of the petitioner.

Considering the aforesaid facts and circumstances of the case, the period of custody as well as the nature of allegation against the petitioner, the petitioner above named is directed to be released on bail on his furnishing bonds of Rs 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of ACJM VI, Katihar in Balirampur (Telta OP) PS Case No 219 of 2022 dated 07.11.2022.

This application stands allowed.

(Chandra Prakash Singh, J)

M.E.H./-

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