

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48437 of 2023

Arising Out of PS. Case No.-259 Year-2023 Thana- LAKHISARAI District- Lakhisarai

Md. Azharuddin @ Azhar Son Of Md. Aslam Resident Of Village - Khutha
Dih, P.S. - Barhiya, Dist. - Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Murari Narain Chaudhary

For the Opposite Party/s : Mr.Nitya Nand Tiwary

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 16-08-2023 Learned counsel for the petitioner is permitted to remove defect (s), as pointed out by the office, if any, within a period of four weeks on resumption of physical mode.

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

3. The petitioner has preferred this application for grant of regular bail in connection with Lakhisaria P.S. Case No. 259 of 2023 dated 07.04.2023 registered for the offence punishable under Sections 302 and 120B of the Indian Penal Code and Section 27 of the Arms Act.

4. As per the prosecution case, the petitioner and the co-accused persons are alleged to have shot the informant's brother, Pawan Kumar, dead. The co-accused Manoj Kumar had



taken Pawan Kumar from his home prior to the incident.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner. There is general and omnibus allegation against the petitioner. The petitioner is accused in ten other criminal cases and he is on bail in nine aforesaid cases as stated in para 3 of the bail petition. The petitioner is in custody since 08.04.2023.

6. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

7. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Lakhisarai in connection with Lakhisaria P.S. Case No. 259 of 2023, with the conditions :-

(i). The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.



(ii). If the petitioner is found involved in similar nature of offence in future, the prosecution will be at liberty to move for cancellation of his bail bond.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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