

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48248 of 2023

Arising Out of PS. Case No.-667 Year-2023 Thana- NAWADA District- Nawada

MD. AHMAD RAZZA SON OF MD. SHAH ANJUM PARVEZ @ ANJUM
PARVEZ RESIDENT OF MOHALLA - BARI DARGAH, P.S. - NAGAR,
DISTRICT - NAWADA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 65672 of 2023

Arising Out of PS. Case No.-667 Year-2023 Thana- NAWADA District- Nawada

MD. MAKSUD ALAM @ MAKSUD ALAM @ MAKSUDAN ALAM son
of Ilyash Husain Resident of village- Gondapur PS- Nawada (Nagar) District-
Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 48248 of 2023)

For the Petitioner/s : Mr. Raj Kumar, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

(In CRIMINAL MISCELLANEOUS No. 65672 of 2023)

For the Petitioner/s : Mr. Bhawesh Kumar Singh, Advocate

Mr. Man Mohan Kumar, Advocate

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

6 13-12-2023

1. Heard learned counsel for the parties.

2. The petitioners have preferred this application for

grant of regular bail in connection with Nawada (Nagar) P.S.

Case no.667 of 2023 registered under section 302 of the Indian

Penal Code and section 27 of the Arms Act.



3. As per the prosecution case, the informant states that he received information about unknown accused persons having shot Robu Sheikh who on being taken to hospital was declared dead. The informant further stated that on enquiry, it transpired that the incident had taken place in the marriage of the daughter of a neighbour in which the death took place as a result of firing resorted to.

4. Learned counsel for the petitioner Md. Ahmad Razza submits that the petitioner has been falsely implicated in the case in course of investigation. Neither there is any eyewitness to the occurrence nor any person has seen the petitioner resorting to firing. The name of the petitioner transpired in course of investigation in paragraph nos.14 to 17 of the case diary. The said witnesses who took the name of the petitioner in course of investigation have been examined in the learned trial Court and have been declared hostile. The petitioner is in custody since 27.5.2023 and undertakes to cooperate in the trial. It is lastly submitted that chargesheet having been submitted under section 304 of the Indian Penal Code, it is a fit case for grant of bail.

5. Learned counsel appearing for the petitioner Md. Maksud Alam submits that the petitioner has been falsely



implicated in the case. No witness examined in course of investigation has described the petitioner to be the assailant. The petitioner is in custody since 4.5.2023 and the case of the petitioner stands on a better footing to that of co-accused Md. Faiyaz Alam who has been enlarged on anticipatory bail vide order dated 2.11.2023 passed in Cr. Misc. no.51589 of 2023.

6. A supplementary affidavit is filed on behalf of the petitioner Md. Ahmad Razza which is taken on record.

7. The application for bail is opposed by learned A.P.P. for the State. Learned A.P.P. for the State submits that the name of the petitioner Md. Ahmad Razza was taken by the witnesses in paragraph nos.14 to 17 of the case diary. Though the witnesses, whose statements were recorded in paragraph nos.14 and 15 of the case diary, were declared hostile, however, the witnesses whose statements were recorded in paragraph nos.16 and 17 are yet to be examined in course of trial.

8. Having heard learned counsel for the parties and taking into consideration the allegation against the petitioner Md. Ahmad Razza in the F.I.R. and the material that has transpired in course of investigation, the Court is not inclined to enlarge the petitioner Md. Ahmad Razza on bail and the application is rejected.



9. In the facts of the case and taking into consideration the material that has transpired in course of investigation as also grant of anticipatory bail to co-accused Md. Faiyaz Alam in the case referred to herein above and the petitioner having remained in custody since 4.5.2023, the Court directs the petitioner Md. Maksud Alam to be enlarged on bail in connection with Nawada (Nagar) P.S. Case no.667 of 2023 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 Chief Judicial Magistrate, Nawada on the following conditions:

(i) That the petitioner shall remain physically present in Court on each date of the trial and shall cooperate in the trial.

In case the petitioner is absent on any date for reasons not to the satisfaction of the learned trial Court or in case the learned trial Court is of the opinion that the trial is being delayed due to non-cooperation on part of the petitioner, the learned trial Court may cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

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