

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55142 of 2023

Arising Out of PS. Case No.-68 Year-2023 Thana- BIHARIGANJ District- Madhepura

Md. Naushad Alam, aged about 26 years, Gender-Male, son of Md. Mustkim
@ Md. Mustakim, resident of Village- Sarauni, Ward no-12, PS- Bihariganj
Dist- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate with
Mr. Bhaskar Shankar, Advocate
For the Opposite Party/s : Mr. Pranav Kumar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 30-08-2023 Heard learned senior counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with
Bihariganj PS Case No. 68 of 2023 dated 19.03.2023, instituted
for the offence punishable under Section 302 of the Indian Penal
Code and Section 27 of the Arms Act.

3. The prosecution story, in short, is that on the
alleged date of occurrence at about 10.15 AM, the informant's
father Krishna Kumar was sitting in his shop "Maa Ambey
Traders" at Babhangama Tulsiya Chowk. Three persons came
on a motorcycle and started firing indiscriminately upon the
informant's father. On hearing the sound of firing, nearby
people came and the informant's father was brought to a private



clinic at Bihariganj where the doctor declared him dead.

4. Learned counsel for the petitioner submits that FIR has been lodged against three unknown persons. It is further submitted that the petitioner along with co-accused Md. Kabil and Rahul Kumar were arrested along with loaded countrymade pistol and cartridges for which Bihariganj PS Case No. 69 of 2023 was instituted. It is alleged that the petitioner along with two other co-accused made confessional statement in Bihariganj PS case no. 69 of 2023 and confessed to have participated in the present crime and thereafter all the three persons were remanded in this case also. It is submitted that there is no other material except the confessional statement of the petitioner to connect the petitioner with the alleged crime. There is no eye witness to the occurrence. The petitioner has been remanded in this case on 19.04.2023 and two criminal cases are pending against him.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the SDJM, Udakishunganj, Madhepura, in Bihariganj PS Case No. 68 of 2023, subject to



the conditions (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv) that if the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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