

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58546 of 2022

Arising Out of PS. Case No.-312 Year-2020 Thana- DARBHANGA SADAR District-
Darbhanga

MD. JAMEEL @ MD. ZAKI S/O MD. SANAULLAH Resident of village-
Loam, P.S.- Sadar, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Shahnawaz Ali, Advocate
For the Opposite Party/s : Mr.Jagdhar Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 17-01-2023 Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Sadar P.S. Case No. 312 of 2020 for the offence registered under Sections 302, 120B and 504/34 of the Indian Penal Code and Section 27 of the Arms Act.

The allegation is regarding an altercation having been taken in between the informant, his father and the accused persons and when the informant along with his father and maternal uncle was going to Madarsa Chowk, at about 4:00 P.M. on 14.07.2020, the accused persons including the petitioner had arrived there, armed with pistol in



their hands and then the co-accused persons namely, Md. Taukir, Md. Naiyar, Md. Faisal, Md. Nafis, Samse Alam and Md. Zakki are stated to have fired gun shots on the father of the informant, namely, Md. Kaisar as also on the informant, however, the father of the informant had died subsequently, on account of sustaining gun shots wound on his stomach.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, is having a clean antecedent and he is languishing in custody since 30.05.2022. It is further submitted that though the petitioner is an accused in one another case but he is on bail in the said case. Lastly, it is submitted that a bare perusal of the F.I.R. would show that the petitioner has not been alleged to have fired any gun shots, either on the deceased or upon the injured persons.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and



circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the fact that the petitioner is not the assailant and is not alleged to have engaged in any sort of overt act, apart from the fact that he is having a fair antecedent, inasmuch as he is an accused in one another case in which he is on bail, I deem it fit and proper to admit the petitioner to the privilege of bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Darbhanga in connection with Sadar P.S. Case No. 312 of 2020.

(Mohit Kumar Shah, J)

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