

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61958 of 2023

Arising Out of PS. Case No.-28 Year-2023 Thana- BALIA BELON District- Katihar

Abu Salam S/O Azad Alam R/O Village- Sihrol, Ps. Balia Belone,
Dist.Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Harish Chandra Patel

For the Opposite Party/s : Mr.Murli Dhar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 15-09-2023 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 307, 302, 120B, 34 of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, the accused persons are alleged to have fired on the informant's brother who died on the spot. It is further alleged that during course of incident other persons also sustained injury.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case due to previous land



dispute and merely on the basis of his confessional statement of which does not get evidentiary value in the eye of law. The petitioner is not named in the FIR and no specific allegation of shot firing levelled against him. It is further submitted that no consistent material has come out against the petitioner. The petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 29.05.2023.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Baliya Belon P.S. Case No. 28 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned concerned Court.

(Sunil Kumar Panwar, J)

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