

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60615 of 2022**

Arising Out of PS. Case No.-498 Year-2018 Thana- SIWAN CITY District- Siwan

ZAFAR KAMAL @ ZAFAR KAMLA @ MUNNA Son of Late Muzaffar
Ahamad R/V- Kutub Chhapra, P.S- Hussainganj, Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Chandra Kant, Advocate
For the State	:	Mr.Jagdhar Prasad, APP
For the informant	;	Mr. Krishna Kant Singh, Advocate

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 23-01-2023 Heard the learned counsel for the petitioner and the learned APP for the State as also the learned counsel for the informant.

The petitioner seeks regular bail in connection with Siwan Town P.S. Case No.498 of 2018, registered for the offences punishable under Sections 302 and 120 B of the Indian Penal Code and Section 27 of the Arms Act.

It is alleged by the informant that in the night of 08.08.2018, his son was coming from the station road and as soon as he had reached at Ismail Shahid Road near R. K. Model School at about 23.15 hours, three persons on a black



motorcycle had fired gun shot on his son resulting in him succumbing to his injuries during the course of treatment.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 29.07.2022. The learned counsel for the petitioner has further submitted that there is no material on record to suggest the complicity of the petitioner in the alleged occurrence, inasmuch as there is no eye witness to the said occurrence and moreover, similarly situated co-accused persons have already been granted bail by a co-ordinate Bench of this Court vide order dated 05.02.2019 passed in Criminal Miscellaneous No.77830 of 2018.

Per contra, the learned APP for the State and learned counsel for the informant have 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 materials on record as also considering the parity of the case of the petitioner with that of the co-accused persons, who have already been granted bail by a co-ordinate Bench of this Court, though I am inclined to release the petitioner on bail, but only after framing of charges by the learned trial court, considering the fact that in a case of the year 2018, the petitioner has surrendered only on 29.07.2022, subject to such conditions as may be deemed fit and proper to be imposed by the learned court of CJM, Siwan in connection with Siwan Town P.S. Case No.498 of 2018.

The present petition stands disposed off with the aforesaid observations and directions.

(Mohit Kumar Shah, J)

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