

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57121 of 2022

Arising Out of PS. Case No.-247 Year-2019 Thana- BAKHTIYARPUR District- Patna

MD. AALAM Son of Md. Saiyed R/o Village- Chakdaulat, P.S.-
Bakhtiyarpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhim Sen Prasad, Advocate

For the Opposite Party/s : Mr.Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 23-01-2023 Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Bakhtiyarpur P.S. Case No. 247 of 2019, registered for the offences punishable under Sections 302 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

It is alleged that all the accused persons including the petitioner herein, had arrived at the house of the informant, whereafter the co-accused person, namely, Md. Zahid and Vicky Alam had fired on the chest of the wife of the informant, resulting in her death.



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 23.06.2022. The learned counsel for the petitioner has submitted that as far as the petitioner is concerned, he has not been alleged to have engaged in any sort of specific overt act nor he has been alleged to have fired any gunshots, hence he is not having any complicity in the matter. It is also submitted that similarly situated co-accused persons have already been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court vide order dated 24.02.2020, passed in Criminal Miscellaneous No. 1298 of 2020.

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 materials available 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, 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 Additional District Judge-1st Barh, Patna in connection with Bakhtiyarpur P.S. Case No. 247 of 2019.

(Mohit Kumar Shah, J)

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