

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64226 of 2022

Arising Out of PS. Case No.-283 Year-2019 Thana- JHAJHA District- Jamui

MD. RAHIM SON OF MAULANA MOHAMMAD HUSSAIN @ MD.
MAULANA HUSSAIN R/O VILLAGE- ARSAR, P.S. AND DISTRICT-
JAMUI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satya Prakash Parasar, Advocate

For the Opposite Party/s : Mr.Dr. Ajeet Kumar, App

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 27-02-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with
Jhajha P.S. Case No. 283 of 2019 registered for the offences
punishable under Sections 302, 201/34, 120(B) of the Indian
Penal Code and Section 27 of the Arms Act.

As per the prosecution, the informant's brother was
shot dead by the FIR named persons and their accomplices.

The main submissions advanced by the learned
counsel for the petitioner are that the petitioner is not named in
the FIR and out of four named co-accused persons one, namely,
Rajiv Sharma has been granted regular bail by a co-ordinate
Bench of this Court vide order passed in Cr. Misc. No.12631 of



20 and two other co-accused persons who are not named in the FIR and their involvement in the alleged occurrence surfaced in the confessional statement of co-accused as well as the supervision made by senior police officials have also been granted bail by a co-ordinate bench of this Court vide orders passed in Cr. Misc. No.11542 of 2022 and Cr. Misc. No.63462 of 2021 and the petitioner's role in the alleged crime was revealed by a spy which has no evidentiary value and there is no direct evidence to connect the petitioner to the alleged occurrence. Further submission is that though against the petitioner, there are criminal antecedent of ten cases but he has been acquitted in two cases and in rest cases, he is on bail and he has been languishing in jail since 28.06.2022 in the present matter.

Learned APP appearing for the State has opposed the bail prayer.

Considering the aforesaid facts and mainly the privilege of bail to one named co-accused by a co-ordinate Bench of this Court while the present petitioner is not named in the FIR and as per the order impugned, he was made accused mainly on the basis of information given by a spy of police, in the opinion of this Court a lenient approach can be taken in



respect of the petitioner’s prayer, let the petitioner 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 the concerned Court in connection with Jhajha P.S. Case No. 283 of 2019.

(Shailendra Singh, J)

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