

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60470 of 2022

Arising Out of PS. Case No.-59 Year-2022 Thana- CHAUSA District- Madhepura

Md. Azhar Ali @ Ajhar Ali @ Azhar Ali Son Of Md. Subhan Ali R/V- Aurai
Purvi Ward No. 10, P.S- Puraini, Dist- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha

For the Opposite Party/s : Mr.Ganesh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 02-03-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has filed the instant application for grant of regular bail in connection with Chousa P.S. Case No. 59 of 2022 registered under section 307 of the Indian Penal Code and Section 27 of the Arms Act.

Prosecution case in short is that the nephew of the informant was talking on phone in front of his house, in the meantime, two accused persons who wore helmet, came on motorcycle and the person who was sitting in back seat of motorcycle opened fire upon his nephew which hit on his back due to which he sustained injury and thereafter they fled away from there.

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 village politics. The petitioner is not named in F.I.R. rather his name came into light in this case on the basis of apprehended co-accused Ravi Kumar's confessional statement. It is further submitted that during investigation, injured Deepak Kumar, who sustained gunshot injury, came to his knowledge that the petitioner who is the friend of co-accused, namely, Ravi Kumar had fired upon him due to which he sustained injury. It means that the injured also is not an eyewitness of the alleged occurrence, only on the basis of hearsay, he stated about the complicity of the petitioner. There is no direct evidence and also no eyewitness in this case. The petitioner is languishing in judicial custody since 27.04.2022.

The application for bail is vehemently opposed by learned APP for the State and submitted that the gun shot injury sustained by the injured.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Chousa P.S. Case No. 59 of 2022 on furnishing



bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-III, Madhepura.

(Sunil Kumar Panwar, J)

shubham/-

U		T	
---	--	---	--

