

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 64768 of 2023

Arising Out of PS. Case No.-761 Year-2022 Thana- MOTIHARI TOWN District- East
Champaran

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Md. Alam @ Alam Mian son of Seikh Iliyas @ Sk. Iliyas Village- Shankar
Saraiya Tola- Bankat Ps- Turkauliya Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Asif Kalim, Adv.
For the Opposite Party/s	:	Mr. Mukesh Kumar Singh, APP
For the Informant/s	:	Mr. Binay Kant Manni Tripathhi, Adv.

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 06-12-2023

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Town P.S. Case No. 761 of 2022 registered under section 307 of the Indian Penal Code and section 27 of the Arms Act.

3. As per the prosecution case, the informant states that he was informed by his brother on mobile phone that unknown accused persons have shot him. Subsequently, his brother died.

4. Learned counsel for the petitioner submits that the F.I.R. was registered against unknown. The name of the petitioner transpired in course of investigation in the confessional statement of co-accused made before police. Even as per the said confessional statement, the petitioner cannot be

said to be an assailant. The petitioner is in custody since 6.7.2023. The reason for false implication of the petitioner is that the petitioner was on inimical terms with the uncle of the aforesaid Keyamuddin Mian, for which reason, he has been falsely implicated. The petitioner undertakes to co-operate in the trial.

5. The application of bail is opposed by learned A.P.P. for the State and learned counsel for the informant. Learned counsel for the informant submits that substantial material has transpired in course of investigation including that in paragraph nos. 83 and 84 to directly connect the petitioner with the alleged crime.

6. Having heard learned counsel for the parties and taking into consideration the nature of material that has transpired in course of investigation, the Court is not inclined to enlarge petitioner on bail for the present and the application is rejected.

7. Liberty is granted to the petitioner to renew his prayer for bail after framing of charge.

(Partha Sarthy, J.)

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Bibhash/-

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