

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72496 of 2023

Arising Out of PS. Case No.-4 Year-2023 Thana- ALOULI District- Khagaria

MD. RASHID SON OF MD. ABDUL RAZZAK RESIDENT OF VILLAGE
-BELAHI, PS- BITHAN, DISTT- SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Buddhi Lal Yadav

For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 29-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under Sections 302 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

As per allegation in the FIR, on 04.01.2023 while the informant's brother namely Arvind Yadav (deceased) along with cousin was going to home from Khagaria from motorcycle, in the meantime five unknown miscreants on motorcycles intercepted them and started firing indiscriminately upon him due to which he fell down on the ground. On arrival of the villagers informant's brother was brought to Sadar Hospital, Khagaria from where he was referred to Begusarai for treatment where he died during course of treatment.



Learned counsel for the petitioners submit that the petitioner is innocent and has committed no offence. The petitioner is not named in the F.I.R. He has falsely been implicated in this case on account of suspicion and dirty village politics. His name has been transpired in this case on the basis of confessional statement of co-accused Sanjay Kumar Sah before the police, which has no evidentiary value in the eye of law. The informant is not the eye witness of the alleged occurrence. There is general and omnibus allegation against five unknown miscreants. During investigation, no consistent evidence has come against the petitioner to show his complicity in the alleged occurrence. Similarly situated co-accused namely, Sanjay Sah and Abhishek Kumar have already been granted bail by this Bench vide order dated 03.08.2023 passed in Cr. Misc. No. 35799 of 2023 and Cr. Misc. No.21094 of 2023. It is further submitted that the petitioner is languishing in judicial custody since 28.03.2023.

Learned APP appearing for the state and learned counsel for the informant have opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as



custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Alauli P.S. Case No. 04 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Khagaria.

(Sunil Kumar Panwar, J)

lata/-

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

