

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70472 of 2023

Arising Out of PS. Case No.-137 Year-2023 Thana- BARARI District- Katihar

1. Md. Nizam S/O Late Md. Naimuddin R/O Sahariya, P.S- Barari (SEMAPUR), Distt.- Katihar.
2. Md. Sohrab S/O Md. Sanaullah R/O Sahariya, P.S- Barari (SEMAPUR), Distt.- Katihar.
3. Md. Rahul @ Md. Ruhul S/O Md. Israile R/O Sahariya, P.S- Barari (SEMAPUR), Distt.- Katihar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh
For the Opposite Party/s : Mr.Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 13-12-2023 Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners have filed the instant application for grant of regular bail in a case registered for the offences punishable under Sections 302/34 of the Indian Penal Code and Section 27 of Arms Act.

Prosecution case in nutshell is that while the informant and her family members were at their home, petitioners came there and took away informant's husband. It is further alleged that after some time it



came to notice that her husband was killed by firing shot.

It is submitted by learned counsel for the petitioners that the petitioners are innocent and they have committed no offence. They have falsely been implicated in the present case. Informant is not eye witness of the alleged offence and the petitioners have been arrayed in this case only on the basis of suspicion. It is further submitted that after the completion of investigation the charge is framed in the present case. The informant has not corroborated the prosecution case in her deposition (Annexed as Annexure 3) and has turned hostile. Moreover, the petitioners are languishing in judicial custody since 30.04.2023. A statement has been made in para 3 of the petition that petitioners have no criminal antecedent.

Learned APP appearing for the State has vehemently opposed the prayer for Bail.

Having heard learned counsel for the parties



and taking into consideration the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be enlarged on bail in connection with Barari (Semapur) P.S. Case No. 137 of 2023 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District Judge III, Katihar.

(Sunil Kumar Panwar, J)

Nirajkrs/-

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