

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81052 of 2023

Arising Out of PS. Case No.-316 Year-2017 Thana- GANDHIMAIDAN District- Patna

Md. Shahjada @ Shaka S/o Md. Siraj Resident at Dargah Road, P.O.-
Mahendru, P.S.- Sultanganj, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rudra Deo, Advocate
For the State	:	Mr. Shailendra Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 22-12-2023 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Sessions Trial No. 649 of 2017/Session Trial No. 422 of 2022, arising out of Gandhi Maidan P.S. Case No. 316 of 2017 instituted for the offence under Section 302 of the Indian Penal Code and 27 of the Arms Act.

3. As per the prosecution case, the informant's son was fired by unknown miscreants when he was at his shop, due to which he sustained injury, leading to his death.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 13-10-2021. Petitioner bears four criminal antecedents, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's



counsel that petitioner has been falsely implicated in the present case. Petitioner is not named in the FIR, and name of the petitioner has been surfaced in this case due to confessional statement of co-accused, namely, Ehsan @ Aman Malik @ Ehsan Malik, who has been granted bail by this Court vide order dated 08-03-2018 passed in Cr. Misc. No. 8487 of 2018. Other co-accused have also been granted bail by Co-ordinate Bench of this Court passed in Cr. Misc. No. 5920 of 2021 & Cr. Misc. No. 57045 of 2017.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner and claim based on parity, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Sessions Trial No. 649 of 2017/Session Trial No. 422 of 2022 arising out of Gandhi Maidan P.S. Case No. 316 of 2017.

(Rudra Prakash Mishra, J)

Raj kishore/-

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