

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80831 of 2023**

Arising Out of PS. Case No.-119 Year-2021 Thana- SIMRI District-
Darbhanga

MD. AKBAR Son of Md. Islam R/o Mohalla - Abhanda (Bakarganj), P.S. -
Laheriasarai, Distt. - Darbhanga

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Girish Chandra Jha

For the Opposite Party/s : Mr.Rita Verma

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

2 14-12-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in a case registered
for the offence punishable under Sections 394 and 302 of the
Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, it is stated by the informant
that while his brother-in-law was traveling on his motorcycle, four
unknown accused persons stopped his motorcycle and looted Rs.
5,000/- in cash besides other articles as mentioned in the F.I.R. In
the occurrence, gun shot injury was received by the informant's
brother-in-law, who subsequently died in course of treatment.

4. Learned counsel appearing on behalf of the petitioner
has submitted that petitioner is innocent and has committed no
offence. He has been falsely implicated in this case. He is not



named in the F.I.R. rather his name transpired in this case on the basis of confessional statement of co-accused Raghunandan Thakur, which has no evidentiary value in the eye of law. There is no eye witness of the alleged occurrence. There is no specific overt act against the petitioner. Nothing incriminating article has been recovered from his conscious possession. Similarly situated co-accused Sundar Yadav has already been enlarged on bail by this Bench vide order dated 16.05.2023 passed in Cr. Misc. No. 12642 of 2023. Moreover, the petitioner is languishing in judicial custody since 11.04.2022.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M-IV, Darbhanga in connection with Simri P.S. Case No.119 of 2021.

(Sunil Kumar Panwar, J)

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