

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5373 of 2024

Arising Out of PS. Case No.-223 Year-22 Thana- KHANPURA District- Samastipur

Md. Dulare, Male, aged about 29 years, Son of Md. Kayum, Resident of Village- Shekhopur, P.S. Warisnagar (Mathurapur OP), District- Samastipur, Bihar- 848101.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Piyush Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

3 21-03-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Khanpur PS Case No. 223 of 2022 instituted for the offences punishable under Sections 307, 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, it is a case of shot fired upon the father-in-law of the informant, who subsequently died.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence and has falsely been implicated in this case merely on the basis of mere suspicion. There is no prima facie case is made out against the petitioner and no evidence either direct or indirect. Petitioner is



in custody since 23.06.2023.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR, case diary, postmortem report and impugned order of the learned 1st Additional District and Sessions Judge, Samastipur dated 08.12.2023, it appears that the name of the petitioner has been surfaced on the basis of confessional statement of co-accused. There is no any eye witness of the occurrence and no incriminating articles have been recovered from the possession of the petitioner, accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above named 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 the learned 1st, Additional Sessions Judge, Samastipur in connection with Khanpur PS Case No. 223 of 2022.

(Ramesh Chand Malviya, J)

Anand Kr.

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

