

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6499 of 2024

Arising Out of PS. Case No.-227 Year-2023 Thana- SAMASTIPUR District- Samastipur

MD. OBES KHAN @ MD. OBAISH KHAN S/o Abdul Quiyum Khan R/o
Village-Akhtiyarpur (Chandauli), P.S.-Waini O.P., Dist.-Shamsipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Advocate

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

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

ORAL ORDER

2 15-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Samastipur Town P.S. case No. 227 of 2023, instituted for the offences under Sections 324, 326, 307, 120B, 34 of the Indian Penal Code and Sections 25(1-b)a, 26, 27 and 35 of the Arms Act.

3. Prosecution case, in short, is that accused persons of different cases were being brought for production in the Court and during the course of returning, some miscreants started firing which hit two of the accused persons, as a result they sustained injuries.

4. Learned counsel for the petitioner submitted that



petitioner has falsely been implicated in the present case merely on suspicion. Petitioner is not named in the FIR, however, the name of the petitioner surfaced during investigation on the basis of CDR and cell tower location. Learned counsel further submitted that no specific overt act is alleged against the petitioner. Nothing incriminating has been recovered from the possession of the petitioner. Learned counsel further submitted that co-accused persons Ram Babu Rai, Raj Kumar Mahto, Aman Kumar and Md. Irshad Alam have already been granted bail vide Cr. Misc. No. 75383 of 2023, Cr. Misc. No. 80687 of 2023, Cr. Misc. No. 84512 of 2023 and Cr. Misc. No. 82970 of 2023 respectively by the co-ordinate Benches of this Court. Petitioner is in custody since 01.09.2023 and has no criminal antecedent as per paragraph-3 of the bail application.

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

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

7. 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 Samastipur Town
P.S. case No. 227 of 2023.

(Rudra Prakash Mishra, J)

Alok Verma/-

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