

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.7151 of 2024**

Arising Out of PS. Case No.-166 Year-2022 Thana- SULTANGANJ District- Patna

Bhondu @ Jibran Imam son of Md. Kalam @ Kalam Imam R/o- Dargah  
Road, P.S. Sultanganj, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Patanjali Rishi, Adv.

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

**CORAM: HONOURABLE MR. JUSTICE KHATIM REZA**  
**ORAL ORDER**

3      22-05-2024                      Heard learned counsel for the petitioner and learned A.P.P  
for the State.

2. The petitioner seeks bail in connection with Sultangaj P.S.  
Case No. 166 of 2022 dated 15.05.2022 registered for the offence  
punishable under Sections 341, 324, 302/34 of the Indian Penal Code  
and Section 27 of the Arms Act.

3. The prosecution case, in short, is that on the date of  
occurrence the informant got information by mobile that his brother  
has been shot by fire arms. The informant went to the place of  
occurrence along with his another brother and came to know that his  
brother has been sent to PMCH for treatment. The informant went to  
the hospital and found his brother dead. Later on, the informant's  
maternal sister disclosed that on the telephonic call having been  
received by the deceased he left the home for Karbala and she also  
came behind him to the place of occurrence where she found that the  
petitioner started firing on the informant's brother due to which he



received three fire arm injury.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is submitted that F.I.R. has been lodged against the petitioner and 3-4 unknown accused persons. It is also submitted that the informant is not an eye witness to the said occurrence. It is submitted that from the perusal of post-mortem report it would appear that three injuries are mentioned as entry wound, one crossponding exist wound on the abdomen and one injury below the elbow. The doctor received body for post-mortem at 3:25 pm on 15.05.2022 and post-mortem was done at 3:40 pm. It is submitted that the F.I.R. was lodged at 4:15 pm on 15.05.2022. It is further submitted that the inquest report was prepared on 15.05.2022 at 1:40 pm. The police reached the place of occurrence but no F.I.R. was lodged at the same time. The F.I.R. was lodged by full brother of the deceased after post-mortem of the body. The aforesaid case was lodged after seeing the three injuries in the inquest report. The said inquest report was prepared at 1:40 pm and at that time no F.I.R. was lodged by the said Farida Khatoon, who was present at the said place of occurrence. The informant in his *fardbeyan* stated that he was informed by her maternal sister namely Farida Khatoon about the occurrence. It is submitted that in fact there is no eye witness to the occurrence, only on the basis of suspicion, the petitioner has been made accused in this case. It is submitted that the deceased was resident of Danapur and the petitioner lives in



Patna City and no enmity has been disclosed between them in the prosecution case. Further, no motive has been attributed to the petitioner to cause death of the deceased. It is also submitted that charge-sheet has been filed on 30.09.2023 but till date charge has not been framed. Lastly, it has been submitted that the petitioner is in custody since 15.07.2023, having no criminal antecedent.

5. Learned A.P.P for the State opposes the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Patna City, Patna in connection with Sultanganj P.S. Case No. 166 of 2022.

**(Khatim Reza, J)**

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