

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.13364 of 2024**

Arising Out of PS. Case No.-1365 Year-2023 Thana- AHIYAPUR District- Muzaffarpur

Md. Murtaza Son of Late Md. Islam Resident of Village- Muradpur Dullah,  
P.S.- Ahiyapur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Raj Dular Sah, Advocate

For the Opposite Party/s : Mr.Uday Pratap Singh, APP

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

ORAL ORDER

3      19-03-2024                      Heard learned counsel for the petitioner and  
  
learned APP for the State.

2. The petitioner seeks bail in Ahiyapur P.S. case  
No. 1365 of 2023 instituted for the offences under Sections  
302, 120(B)/34 of the Indian Penal Code and Section 27 of  
the Arms Act.

3. Prosecution allegation, in short, is that while the  
husband of the informant was returning home, the accused  
persons fired at the husband due to which he sustained  
injuries and later succumbed to the injuries.

4. Learned counsel for the petitioner submits that  
the petitioner has falsely been implicated in the present



case. No overt act is attributed against the petitioner rather it is attributed against co-accused Golu Kumar, Shivam Kumar and Md. Rehan. There is no allegation of firing attributed against the petitioner. No incriminating material has been recovered from the conscious possession of the petitioner. The police after completion of investigation submitted final form against the petitioner and had not sent up the petitioner to face trial. Thereafter, the Court below differed with the same and took cognizance against the petitioner. The petitioner is in custody since 18.10.2023 and has no criminal antecedent.

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, the period of custody undergone by the petitioner and clean antecedent of 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 Ahiyapur



P.S. case No. 1365 of 2023.

**(Rudra Prakash Mishra, J)**

Pankaj/-

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