

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17045 of 2024

Arising Out of PS. Case No.-377 Year-2023 Thana- FALKA District- Katihar

MD. MOIMUDDIN @ MD. MOINUDDIN SON OF MD. NAIMUDDIN
R/O-SALEHPUR MAHESHPUR, P.S.-FALKA, DISTT.-KATIHAR

... .. Petitioner/s

Versus

The State of Bihar

.. ... Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajendra Prasad Sah, Advocate
		Mr. Ratnakar Ambastha, Advocate
For the Opposite Party/s	:	Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 14-03-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Falka P.S. Case no. 377 of 2023, registered under sections 307 and 34 of the Indian Penal Code and sections 25(1-B)(a), 26, 27 and 35 of the Arms Act to which section 302 of the Indian Penal Code was added subsequently.

3. As per the prosecution case, the informant states that two persons came on a motorcycle. One person fired from his country made pistol which hit her husband seriously injuring him. He was caught and disclosed his name as Prince Kumar. He further disclosed that the name of other person who had managed to escape was Vinay Kumar.

4. Learned counsel for the petitioner submits that the husband of the informant died subsequently and section 302 of



the Indian Penal Code was added. The petitioner is not named in the FIR. He was falsely implicated in the case in course of investigation as being a conspirator in planning the murder. No overt-act has been alleged against the petitioner who is in custody since 20.11.2023. Charge-sheet has been submitted in the case.

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

6. Having heard learned counsel for the parties and taking into consideration the allegations in the FIR, the petitioner not having been named therein, the allegation of firing being on the FIR named accused Prince Kumar, the allegation on the petitioner being only of a conspirator together with his having remained in custody since 20.11.2023 and charge-sheet having been submitted in the case, the petitioner is directed to be enlarged on bail in connection with Falka P.S Case no. 377 of 2023, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Katihar.

(Partha Sarthy, J)

Shiv/-

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

