

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16470 of 2024

Arising Out of PS. Case No.-75 Year-2023 Thana- HABIBPUR District- Bhagalpur

Md. Shahansah @ Md. Shansah @ Shahansah Ansari S/O- Late Kamaluddin @ Mohammad Kamal R/O- Mohalla- Kazichak, Panchu Zarrah Lane, P.S.- Mozahidpur (BABARGANJ), Dist.- Bhagalpur.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 16554 of 2024

Arising Out of PS. Case No.-75 Year-2023 Thana- HABIBPUR District- Bhagalpur

Md. Tarjan @ Afroj son of Late Md. Abdul Jabbar @ Late Md. Jabbar Khan Moh- Husainabad Bandhu Modi Lane Ps- Mojahidpur Babarganj Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 16470 of 2024)

For the Petitioner/s : Mr.Praveen Kumar

For the Opposite Party/s : Mr.Md. Fahimuddin

(In CRIMINAL MISCELLANEOUS No. 16554 of 2024)

For the Petitioner/s : Mr.Praveen Kumar

For the Opposite Party/s : Mr.Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 02-05-2024 Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners have filed the instant application

for grant of regular bail in a case registered for the

offences punishable under Sections 302, 120(B)/34 of



the Indian Penal Code and Section 27 of Arms Act.

Prosecution case in nutshell is that the brother of informant namely, Rakesh Kumar proceeded from his house on his motorcycle stating that he is going to meet someone. It is further alleged that the informant was informed by Babarganj P.S. that his brother has been killed by gun shot. It is alleged that the brother of informant used to do land plotting work with partners namely, Kunal Kumar Singh, Gautam Krishna and Deepesh Singh and some money of informant's brother was due with his partners above named.

It is submitted by learned counsel for the petitioners that the petitioners are innocent and they have committed no offence. They have falsely been implicated in the present case. The name of Md. Shahansah (petitioner in Cr. Misc. No. 16470 of 2024) sprang up in this case on the basis of confessional statement of Md. Tarjan @ Md. Afroj (petitioner in Cr. Misc. No. 16554 of 2024). Petitioners are not named in



the F.I.R. There is no eye witness of the alleged offence rather the prosecution hinges round the petitioners merely on the basis of suspicion. Moreover, Md. Shahansah(petitioner in Cr. Misc. No. 16470 of 2024) is languishing in judicial custody since 25.09.2023 and Md. Tarjan @ Afroj (petitioner in Cr. Misc. No. 16554 of 2024) is languishing in judicial custody since 23.06.2023.

Learned APP appearing for the State has vehemently opposed the prayer for Bail and submitted that the alleged murder weapon ie. Pistol was recovered on the basis of confessional statement of Md. Tarjan @ Md. Afroj (Petitioner in Cr. Misc. No. 16554 of 2024)

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge Md. Shahansah (petitioner in Cr. Misc. No. 16470 of 2024) petitioner on bail and he is directed to be enlarged on bail in



connection with Habibpur P.S. Case No. 75 of 2023 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Bhagalpur.

As far as Md. Tarjan @ Md. Afroj (Petitioner in Cr. Misc. No. 16554 of 2024) is concerned, this court is not inclined to enlarge him on bail and, as such, his prayer for bail stands rejected.

(Sunil Kumar Panwar, J)

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