

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22072 of 2024

Arising Out of PS. Case No.-193 Year-2021 Thana- MOUZAHDIPUR District- Bhagalpur

MD. TINKU @ TALIB @ MD. TALIB SON OF LATE FAKRUDDIN @
LATE FEKU MIYA RESIDENT OF MOHALLA - MOGALPURA,
HUSSAINABAD, POLICE STATION - MOJAHIDPUR (BABARGANJ),
DISTRICT - BHAGALPUR. PRESENTLY RESIDING AT CHINAPARA
GARDEN REACH, POLICE STATION - MATIA BRUZ, DISTRICT -
KOLKATA (WEST BENGAL)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate

For the Opposite Party/s : Ms. Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 21-06-2024 Heard Mr. Praveen Kumar, learned counsel for the
petitioner and Ms. Sangeeta Sharma, learned APP.

2. The petitioner is in judicial custody in connection
with Mojahidpur P.S. Case No. 193 of 2021 under sections 302,
120(B) of the Indian Penal Cod and Section 27 of the Arms Act
lodged on 19.07.2021 by the informant, Md. Arif Khan.

3. As per the prosecution story, when the informant
was going home from market, it is alleged that the accused
persons came on motorcycle and started abusing him. When he
objected, it is alleged that they entered his house and accused
Zeba came out with the arms. When his daughter Bibi Kajal



came to his rescue then Md. Inteshar opened fire which struck the stomach of his daughter who was eight month's pregnant. As a result thereof, she died. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that a perusal of the FIR would show that the main allegation is against Md. Inteshar of opening fire which caused the death of informant's daughter. The petitioner is alleged to be part of the assembly alongwith Md. Inteshar for which he has already suffered by being in custody since 24.09.2023 (paragraph 6 of the petition).

5. He further submits that only because of criminal antecedent, he has been dragged and the other similar situations have since been granted bail. One of them is Md. Rahmat Quraishi who has been granted relief on 17.08.2022 in CR. Misc. No. 25467 of 2022.

6. Learned APP on the other hand opposes the prayer for bail submitting that he has seven criminal cases under his belt.

7. Taking into account the aforesaid facts as also that the main allegation is against Md. Inteshar, the petitioner is in custody since 24.09.2023 and as per the learned counsel for the petitioner, charges have already been framed and he will be



diligently appearing in trial, this Court is inclined to extend him the privilege of bail with conditions.

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Bhagalpur, in connection with Mojahidpur (Babargani) P.S. Case No. 193 of 2021 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;



(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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