

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31055 of 2024

Arising Out of PS. Case No.-83 Year-2015 Thana- BELDOUR District- Khagaria

Akhtar Ali @ Akhtar Miya @ Md. Akhtar son of Md. Samid Ali Village-
Sukhar Ghat Ps- Alamnagar Dist- Madhepura

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 26-04-2024 Heard learned counsel appearing on behalf of the

petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with

Beldaur P.S. Case No. 83 of 2015, G.R. No. 1012A/2015

registered for the offence under Sections 302, 120(B) and

34 of Indian Penal Code and under Section 27 of the Arms

Act.

3. The accused/petitioner is not named in the

F.I.R. and he is in custody since 03.01.2024.

4. The allegation against the petitioner is to

commit the murder of the informant, alongwith other named

co-accused persons, due to previous enmity.

5. Learned counsel appearing on behalf of the



petitioner submitted that name of petitioner surfaced on the basis of confessional statement of co-accused, namely, Sunil Sharma, in furtherance thereof, no incriminating material surfaced/recovered, during the course of investigation, which may connect this petitioner *prima facie*, with the present occurrence/murder. It is further pointed out that said co-accused, Sunil Sharma, has already been granted bail by one of the Co-ordinate Bench of this court through Cr.Misc. No. 26964 of 2015 vide order dated 14.10.2015. It is further submitted that informant is not the eye-witness of the occurrence and merely on the basis of suspicion as mobile phone of petitioner was found near about the place of occurrence, above named petitioner was falsely implicated in the present case, which otherwise having no bearing over merit of the case. It is further pointed out that petitioner is a man of clean antecedent. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.



6. Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded the fact that the petitioner is not named in the F.I.R.

7. Considering the facts and circumstances as mentioned above, as no incriminating material was recovered/surfaced during the course of investigation, to connect the petitioner *prima facie*, with the present allegation of murder, coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Beldour, P.S. Case No. 83 of 2015 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate, Khagaria/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

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