

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33533 of 2024

Arising Out of PS. Case No.-341 Year-2023 Thana- AMAS District- Gaya

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Zafar Ali @ Zafar Ali Khan, age 26, Male, Son of Md. Mazhar Ali @ Mazhar Ali Khan, Resident of Village- Lodhi Shahid, P.S- Sherghati, Dist- Gaya, Presently residing at Village- Mandai Kalan, P.S- Hazaribagh, Dist- Hazaribagh, Jharkhand.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Surendra Kumar Singh, Advocate

For the Opposite Party : Mr. Sanjay Kumar Tiwary, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 09-05-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Amas P.S. Case No. 341 of 2023 dated 27.09.2023 registered for the offences punishable under Sections 302, 120B of the I.P.C. and Section 27 of the Arms Act.

3. As per the prosecution case, on 27.09.2023 at about 9.30 A.M., the informant, his father and brother were cutting their hair at Karu Hair Cutting Saloon. In the meantime, three persons came on two motorcycles and called the father of the informant. The informant also came out from the saloon and saw that the said persons were giving threatening to his father and said to compromise with Marandi Jee, Manoj Yadav and



Shashi Singh. It is further alleged that they tried to obtain signature of his father but he refused to put his signature. It is further alleged that one of them opened fire on the back of the informant's father, as a result of which, he fell down, thereafter, others also fired on the head and his father died on the spot. The informant and other persons run towards the culprits but they succeeded to flee away by one motorcycle. The informant believed that due to land dispute, Binod Kumar @ Marandi, Manoj Yadav, Praveen Kumar Yadav, Shashi Singh, Shashi Bhushan, Rashid Kalal and Pramod Kumar Mishra in conspiracy to each other committed murder of his father.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that neither the petitioner has been arrested on the spot nor any incriminating article has been recovered from his possession. The petitioner is not named in the F.I.R. It is further submitted that the occurrence took place on 27.09.2023 and the F.I.R. was produced before the learned Magistrate on 28.09.2023 and on 06.11.2023, the informant has filed a protest petition naming ten persons as accused but the petitioner's name does not find place in the said protest petition. It is further submitted that till date the petitioner has not been



put on T.I. Parade as to when the informant and others are said to be the eye witnesses to the alleged occurrence. It is further submitted that five persons have confessed before the police but they have not taken the petitioner's name. It is further submitted that from perusal of paragraph no. 64 of the case diary, it appears that the private detective has informed the police that in the incident one Dara Khan has worked as a liner and who was also arrested on 29.09.2023 and confessed before the police stating that he was given the task of liner by one Foto Khan but he has also not named the petitioner. It is further submitted that during the investigation the only material has come against the petitioner is that the said Foto Khan is staying at Navi Mumbai and doing some work and accordingly raid was conducted in Juhu Park, Mumbai and on the basis of mobile surveillance and three persons were found sitting and talking in the park who disclosed their name as Foto, Jafar Ali Khan (petitioner), Sohail Ahmad and they were arrested and Foto confessed before the police and stated that at the instance of Shahid and Anwar and also due to his own enmity, the deceased was killed and in the killing of deceased, Sahil, Sohail, Ranjan, Uttam, Danish, Atiurrahman, @ Bablu, Dara Khan, Gulshan, Anwar and Harendra have jointly made a planning but he even did not



name the petitioner in any manner. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 07.11.2023.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate Ist Class, Sherghatti, Gaya in connection with Amas P.S. Case No. 341 of 2023 with further condition:-

(i) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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