

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31807 of 2024

Arising Out of PS. Case No.-280 Year-2021 Thana- AAJAM NAGAR District- Katihar

Dilshad Alam @ Dilshad, son of Mansur Alam, village Gajhot, P.S. Azamnagar, dist- Katihar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Nafisu Zzoha, Advocate

For the Opposite Party/s : Mr.Choubey Jawahar, 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 counsel appearing on behalf of the State.

2. The petitioner seeks bail in connection with Azamnagar P.S. Case No. 280 of 2021 registered for the offence under Sections 302, 201 and 120-B of the Indian Penal Code.

3. The accused/petitioner is named in the F.I.R. and is in custody since 25.01.2024.

4. The allegation against the petitioner is to commit murder of son of informant alongwith other co-accused persons/family members, where reason of occurrence is not appears explained through present F.I.R.



5. Learned counsel appearing on behalf of the petitioner submitted that informant is not the eye witness of the occurrence and entire implication is based upon suspicion, in furtherance of which no incriminating material recovered/surfaced during the course of investigation as to connect petitioner, prima facie, with present occurrence of murder. It is submitted that similarly situated co-accused persons, namely, Alauddin and Mansoor Alam have already been granted bail by different Co-ordinate Benches of this Court through Cr. Misc. No. 15256 of 2023 vide order dated 12.07.2023 and Cr. Misc. No. 75391 of 2022 vide order dated 13.07.2023, respectively. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP for the State opposes the prayer of bail of the petitioner.

7. Considering the facts and circumstances as



mentioned above, as informant is not the eye witness of the occurrence, where save and except suspicion, *prima-facie*, nothing incriminating surfaced against this petitioner, where petitioner is a man of clean antecedent coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 25.01.2024, accordingly, above named petitioner is directed to be released on bail in connection with Azamnagar P.S. Case No.280 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional District Judge – II, Katihar/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

Rajeev/-

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