

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65147 of 2023

Arising Out of PS. Case No.-28 Year-2023 Thana- BALIA BELON District- Katihar

1. MD. NAQUIB @ NAQEEB S/O MD. ANJAR R/O VILLAGE- NADIYAR PELAPUR, P.S- BALIA BELON, DISTT.- KATIHAR.
2. MD. JILANI @ JILANI S/O ABDUL KADIR R/O VILLAGE- NADIYAR PELAPUR, P.S- BALIA BELON, DISTT.- KATIHAR.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 68424 of 2023

Arising Out of PS. Case No.-28 Year-2023 Thana- BALIA BELON District- Katihar

MD. SALAM @ SALAM Son of Md. Sarfuddin R/o vill - Naudiyar, Pelapur,
P.S. - Balia Belon, Distt. - Katihar

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 65147 of 2023)

For the Petitioner/s : Mr.Ajit Kumar Singh, Adv.

For the Informant : Mr. Sanjay Kumar Sinha, Adv.

For the State : Mr.Madan Kumar, A.P.P.

(In CRIMINAL MISCELLANEOUS No. 68424 of 2023)

For the Petitioner/s : Mr.Ajit Kumar Singh, Adv.

For the Informant : Mr. Sanjay Kumar Sinha, Adv.

For the State : Mr.Madan Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 09-01-2024 Heard learned counsel for the petitioners, learned
counsel for the informant and learned A.P.P. for the State.

2. The petitioners seek bail in connection with
Baliya Belon P.S. Case No. 28 of 2023 registered for the
offences punishable under Sections 302, 307, 120B/34 of the



Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, informant along with Tanvir Rahi and other went to attend the marriage ceremony in village Sihraul and during course of feast, the accused persons named in the FIR and some unknown came there and fired upon Tanvir Rahi who died on the spot. Other person also sustained injury during course of said firing.

4. Learned counsel for the petitioners submits that petitioners are not named in F.I.R. He further submits that though the occurrence took place on 24.02.2023 and the name of the petitioners namely Md Naquib @ Naqeeb, Md. Jilani and Md. Salam came into fore during the course of investigation on 29.03.2023 in para 148 of the main case diary i.e. after more than one month of the alleged occurrence. He further submits that there is no eye witness who has stated that the alleged occurrence has been committed by the petitioners. He further submits that petitioners are also invitees in the said feast. Co-accused Md. Sonu has already been granted bail by this Court vide Cr. Misc. No. 61883 of 2023 and the case of present petitioners stands more or less on similar footing. Petitioners are in custody since 15.06.2023 and bear no criminal antecedent. Charge sheet has been submitted in the case and there is no



likelihood of tampering with the prosecution evidence.

5. The learned A.P.P. for the State and learned counsel for the informant vehemently opposed the prayer for bail of the petitioners as they also participated in the alleged occurrence.

6. Considering the facts and circumstances of the case, period of custody, co-accused has already been granted bail, keeping in view clean antecedent of petitioners, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioners above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Katihar in connection with Balia belon P.S. Case No. 28 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive



dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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