

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71033 of 2023

Arising Out of PS. Case No.-12 Year-2021 Thana- JAMALPUR District- Darbhanga

Md. Ibrahim @ Aarif Son Of Late Noor Mohammad Resident Of Village -
Mansara, P.S. - Jamalpur (Bargaon O.P.), District - Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukund Mohan Jha, Advocate

For the Opposite Party/s : Mr. Kalyan Shankar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

5 21-03-2024 Heard learned counsel for the petitioner, learned APP
for the State and perused the case diary.

2. The petitioner seeks bail in connection with S. Tr.
No. 222 of 2021, arising out of Jamalpur (Baragaon O.P.) P.S.
Case No. 12 of 2021, instituted for the offences punishable
under Section 302 of the Indian Penal Code.

3. The prosecution case, in short, is that, husband of
the informant went to Supaul Bazar for purchasing some articles
along with one other person on a motorcycle and did not return
to home. On the next morning informant got information that
her husband is in Biraul Hospital. The informant immediately
reached there and found the dead body of her husband with fire
arm injury.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. No incriminating article has been recovered from the conscious possession of the petitioner. The name of the petitioner has transpired on the basis of confessional statement of co-accused Md. Adil which is recorded in paragraph No. 32 of the case dairy in which he further stated that after having killed Md. Chand, he took his motorcycle and left the place with the petitioner. The motorcycle of the deceased has been recovered from the co-accused Md. Adil. Learned counsel for the petitioner further submits that the petitioner has not been identified by the informant during T.I.P. The petitioner is languishing in judicial custody since 15.03.2021 and has got four criminal antecedents. Charge-sheet has been submitted in the present case.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. A report has been called for from the court below. It has been reported that out of five prosecution witnesses, one witness has been examined till date and the trial Court further reported that if the prosecution would cooperate in the trial, the same could be concluded within nine months.



6. Considering the aforesaid facts and circumstances of the case and taking into account the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with S. Tr. No. 222 of 2021, arising out of Jamalpur (Baragaon O.P.) P.S. Case No. 12 of 2021 subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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