

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.74139 of 2024**

Arising Out of PS. Case No.-175 Year-2021 Thana- DARBHANGA SADAR District-  
Darbhanga

Md. Shamshad, S/o Md. Jalaluddin @ Jalaudin Kujra, R/o village-Agraidih,  
P.S. - Biraul, Distt. - Darbhanga

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr. Baidyanath Prasad, Advocate

For the Opposite Party/s : Mr. Shantanu Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

2      18-10-2024                      Heard learned counsel for the petitioner and  
learned Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection  
with Sadar P.S. Case No.175 of 2021 registered for the  
offence punishable under Sections 396, 412 and 302 read  
with 34 of the Indian Penal Code.

3. The accused/petitioner is not named in the FIR  
and is in custody since 19.06.2021.

4. Allegation against the petitioner is to commit  
murder of cousin of the informant along with other co-  
accused persons, where after the investigation, charge-sheet  
has been submitted u/s 396 of the Indian Penal Code, where  
initially, the FIR was lodged under Sections 302 read with 34



of the Indian Penal Code.

5. It is submitted by learned counsel appearing for the petitioner that the name of petitioner surfaced in present case out of suspicion arising from confessional statement of co-accused, namely, Raghunandan Thakur, where in furtherance of which, no incriminating material recovered/surfaced during the course of investigation as to connect the petitioner *prima facie* with present case. It is further submitted that petitioner has not put on Test Identification Parade as yet. It is further submitted that aforesaid co-accused Raghunandan Thakur has already been granted bail by this Court vide order dated 17.10.2022 passed in Cr. Misc. No.8004 of 2022. While concluding argument, it is submitted that investigation of this case is completed long back and, as such, there is no chance of tampering with the evidence and furthermore, petitioner found involved in three more criminal cases, where he is on bail.

6. Learned APP opposes the prayer for grant of bail to the petitioner.



7. In view of aforesaid facts and circumstances, as save and except suspicion arising from confessional statement of co-accused, nothing appears incriminating against this petitioner as to connect him *prima facie* with occurrence of murder and dacoity, coupled with the fact that investigation of this case is completed, where petitioner is in custody since 19.06.2021, accordingly, the petitioner, above-named, is directed to be released on bail, furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II, Darbhanga in connection with S.T. No.121 of 2022 arising out of Sadar P.S. Case No.175 of 2021, subject to the conditions as laid down under Section 437(3) of the CrPC/under Section 480(3) of the BNSS.

(Chandra Shekhar Jha, J.)

Sanjeet/-

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