

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79890 of 2023**

Arising Out of PS. Case No.-293 Year-2022 Thana- PATEPUR District- Vaishali

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MOHAMAD SAHJADE @ NEYAJ AAHAMAD S/O MOHAMAD RAJA @
MOHAMAD NATHU MIYAN R/O VILLAGE- BAHUARA, P.S-
PATEPUR, DISTT.- VAISHALI.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anuj Kumar

For the Opposite Party/s : Mr.Navin Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 05-03-2024 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

2. The petitioner seeks bail in connection with
Patepur P.S. Case No. 293 of 2022 registered for the offence
under Sections 147, 148, 149, 323, 307 of the Indian Penal Code
and under Section 27 of the Arms Act. Section 302 of the Indian
Penal Code was also added later.

3. As per the prosecution case, the petitioner along
with one Manish Kumar is said to have shot at the deceased.

4. It has been submitted by the learned counsel for
the petitioner that the petitioner has falsely been implicated in



this case because of the dispute over a bus stand belonging to the mother of the petitioner.

5. Learned counsel for the petitioner further submits that occurrence took place on 05.11.2022 and the FIR was lodged after a delay of four days 09.11.2022. In the post-mortem report also, one gun shot injury has been found on the chest of i.e. wound of entry and one injury on the back side i.e. the wound of exit.

6. It has also been submitted by the learned counsel for the petitioner that from comparing the CDR, that the petitioner was not present on the place of occurrence and he was at a different place.

7. Learned counsel for the informant and learned APP for the State have opposed the application of the petitioner for grant of bail by contending that the petitioner is one of the assailants of the deceased because of dispute over a bus stand and therefore this application may not be allowed.

8. I have considered the submissions of the parties.

9. Considering the fact that the petitioner's presence at the place of occurrence is doubtful and also considering the Post-mortem report, the FIR also becomes doubtful. Accordingly, this application is allowed.



10. Let the petitioner, above named, be released on bail after framing of charge, if charge has not been framed yet on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Patepur P.S. Case No. 293 of 2022.

11. As a condition of this order, the petitioner, after being released on bail is directed to co-operate in the trial either by appearing personally or through his lawyer in the trial Court on the dates fixed for hearing.

(Sandeep Kumar, J)

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