

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84648 of 2023

Arising Out of PS. Case No.-124 Year-2022 Thana- BAUNSI District- Araria

Masoom Reja @ Masum Reza @ Md. Masoom Reja S/o Late Bhola R/o
village-Mahseli, P.S-Bousi, District-Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Rana

For the Opposite Party/s : Mr.Satya Nand Shukla

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 08-01-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in a case
instituted for the offence under Sections 302, 394 of the Indian
Penal Code and Section 27 of the Arms Act but the charge sheet
has been submitted u/s 396, 397, 412 of the IPC and 27 of the
Arms Act.

2. As per allegation in the FIR, informant and
Bindeshwari Yadav (deceased) were in round for collecting the
money in favour of M/S Raju Store. At the time of returning,
two miscreants on a motorcycle came there and on pistol point
tried to snatch the cash of the informant. On protest made by the
informant, miscreants opened fire which hit the informant on his
right thigh and other hit to Bindeshwari Yadav on his chest.



Miscreants looted away cash of Rs. 51,800/- and fled away. During treatment, Bindeshwari Yadav succumbed to gun shot injuries.

3. It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case. The petitioner is not named in the FIR. His name transpired in this case on the basis of confessional statement of co-accused Md. Tanvir who has already been enlarged on bail granted by a co-ordinate Bench of this Court vide order dt. 24.7.2023 passed in Cr. Misc. No. 14539 of 2023. Confessional statement before the police is not admissible as evidence in the eye of law. It is also submitted that no one is the eye witness of the alleged occurrence. The petitioner is languishing in judicial custody since 26.12.2022.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody period of the petitioner, this court is inclined to enlarge him on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the



satisfaction of the learned 2nd Additional District & Sessions
Judge, Araria in connection with Bausi P.S. Case No. 124 of
2022.

(Sunil Kumar Panwar, J)

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