

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9298 of 2025

Arising Out of PS. Case No.-223 Year-2022 Thana- KHANPURA District- Samastipur

Md. Ahtesham @ Auua S/o- Phool Gani Ansari @ Phool Gani Village-
Daulatpur Ps- Warisnagar Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Piyush Kumar Pandey, Adv

For the Opposite Party/s : Mr.Bishweshwar Ram, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 14-02-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Khanpur PS Case No. 223 of 2022 instituted for the offences
punishable under Sections 307, 302/34 of the Indian Penal Code
and Section 27 of the Arms Act.

3. As per the prosecution case, it is a case of shot fired
upon the father-in-law of the informant, who subsequently died.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence and has
falsely been implicated in this case merely on the basis of mere
suspicion. There is no prima facie case made out against the
petitioner and no evidence either direct or indirect in upon the



petitioner. Petitioner is in custody since 29.04.2024 having two criminal antecedent. He next submits that Md. Dulare has been granted bail vide order dated 21.03.2024 passed in Cr. Misc. No. 5373 of 2024.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR, case diary, postmortem report and impugned order of the learned 1st Additional District and Sessions Judge, Samastipur dated 08.12.2023, it appears that the name of the petitioner has been surfaced on the basis of confessional statement of co-accused namely Md. Dulare who has already been granted bail by this Bench. There is no any eye witness of the occurrence and no incriminating articles have been recovered from the possession of the petitioner, accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st, Additional Sessions Judge, Samastipur in connection with Khanpur PS Case No. 223 of 2022.

(Ramesh Chand Malviya, J)

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