

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13699 of 2025

Arising Out of PS. Case No.-214 Year-2022 Thana- THAWE District- Gopalganj

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Faisal Miya @ Faisal Ali @ Faisal S/O Hasmuddin Miya @ Hasmuddin Ali
@ Hasmuddin Ahmad Resident of Village- Piprahi, Police Station-
Uchakagon, District- Gopalganj, PIN Code- 841440.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Roy

For the Opposite Party/s : Mr.Nand Kumar

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CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY

ORAL ORDER

3 13-05-2025 Heard learned counsel for the petitioner as well as
learned APP for the State.

2. In this case, the petitioner is seeking regular bail
in connection with Thawe P.S. Case No. 214 of 2022, registered
for the offences punishable under Sections 302/120(B)/34 of the
IPC and Section 27 of the Arms Act.

3. According to the FIR, the son of the informant,
after closing his medical shop, was returning along with one
Amruddin Alam by his motorcycle. Meanwhile, two miscreants
on another motorcycle, with their faces wrapped with *gamchas*,
arrived. The pillion rider fired a shot, which hit the chest of the
informant's son. Thereafter, the miscreants fled away. Amruddin
Alam called his brother Asif and with his help, the injured was



shifted to the hospital where he was declared as dead. It has further been mentioned in the FIR that a short while prior to closing the medical shop of the injured, co-accused Pravez Alam had come there and soon thereafter, the deceased (son of the informant) closed his medical shop and proceeded towards his house along with Amruddin Alam and in the way, he was shot.

4. The learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It has been mentioned in the FIR that miscreants had wrapped their faces with *gamcha*, as such, no one identified the miscreants.

5. On the other hand, the learned APP for the state has submitted that the FIR named accused Pravej Alam, in his confessional statement, disclosed the name of the petitioner, whereafter the petitioner was apprehended by the police and he, in his confessional statement recorded in paragraph no. 135 of the case diary, furnished the vivid description of the entire occurrence, and confessed that he was driving the motorcycle and the pillion rider Tunna Miya fired shot at the deceased. He has also submitted that the disclosure made by the petitioner is corroborated by the tower location of his mobile set, detected during course of investigation, which is available at paragraph



139 of the case diary, which shows that at the time of occurrence, he was present near the place of occurrence.

6. Considering the above-mentioned facts and circumstances, the petitioner does not deserve the privilege of bail. Accordingly, it is rejected.

(Nawneet Kumar Pandey, J)

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