

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22206 of 2025

Arising Out of PS. Case No.-56 Year-2024 Thana- PAHARKATTA District- Kishanganj

Subhan @ Gulzar S/o Mohammad Hussain @ Motikhua R/o Khajurbari, P.O.-
Shitalpur, P.S.- Paharkatta, District- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Mritunjay Kumar, Adv
For the Informant	:	Mr. Radha Mohan Singh, Adv
For the Opposite Party/s	:	Mr. Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 12-05-2025 Heard learned Counsel for the petitioner and learned
counsel for the informant as well as learned A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Sessions Trial no. 184 of 2024, arising out of Paharkatta P.S. Case no. 56 of 2024 registered under sections 302 and 34 of the Indian Penal Code and he has clean criminal antecedent.

3. As per the prosecution case, the informant states that he received information about his brother having been killed by slitting of his throat.

4. Learned counsel for the petitioner has submitted that the petitioner is not named in the F.I.R. and his name has transpired in this case on the basis of confessional statement of



Md. Suleman. It is further submitted that during the course of investigation, the informant, who happens to be the immediate neighbour of the petitioner, has disclosed that the petitioner along with others was seen fleeing from the place of occurrence. It is next submitted that similarly situated co-accused, namely, Ajerul @ Ajarul, has already been granted bail by a co-ordinate Bench of this Court vide order dated 09.04.2025 passed in Cr. Misc. No. 1045 of 2025. It is lastly submitted that the petitioner has clean criminal antecedents and is in custody since 03.06.2024.

5. Learned APP for the State and learned counsel for the informant have vehemently opposed the prayer for bail and have stated that not only the informant in his re-statement but even during the course of the investigation, the co-accused Md. Suleman, had confessed the complicity of the petitioner in the present case, hence, he does not deserve the liberty of bail.

6. Considering the aforesaid submissions of the parties and taking into account the fact that the petitioner is not named in this FIR and his name has transpired on the basis of confessional statement of the co-accused Md. Suleman and also taking into account the fact that the co-accused, namely, Ajerul @ Ajarul, has already been granted bail by a co-ordinate Bench



of this Court coupled with the fact that the petitioner is in custody since 03.06.2024, let the petitioner above-named, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Kishanganj, in connection with Sessions Trial no. 184 of 2024, arising out of Paharkatta P.S. Case no.56 of 2024.

7. The Court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. The application stands allowed.

(Sourendra Pandey, J)

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