

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26100 of 2025

Arising Out of PS. Case No.-118 Year-2024 Thana- GOPALGANJ TOWN District-
Gopalganj

Mahtab Alam @ Lal Babu S/o Late Mohammad Jad Resident of village -
Takiya Yakub, Police Station - Gopalganj, Dist- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ansul, Sr. Advocate
Mr. Thakur Brajesh Singh, Advocate
For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

4 01-07-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in case registered for the offences punishable under Section 302, 120(B) and 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the FIR, it is alleged by the informant that on 12.02.2024, when his father was going to the railway station along with one Munna on his motorcycle, on the way, two named accused persons, Mahtab Alam @ Lalbabu (petitioner) and Fahim @ Saddam, came from behind on a motorcycle and Mahtab Alam @ Lalbabu (petitioner) fired at him on which he sustained injuries and died. The accused persons then fled away from the spot with other accused persons waiting for them.



4. It is submitted by the learned senior counsel for the petitioner that the petitioner herein is innocent and has falsely been implicated in this case. The informant is not an eyewitness to the occurrence. Learned senior counsel has further submitted that the inquest report was prepared by the police on 13.02.2024 at 12.25 A.M., in the presence of the informant and other people but nowhere in the inquest report the informant took the name of the petitioner and other people in the commission of the offence. He has further submitted that on the date and time of occurrence, the petitioner was present at the house of Binay Pratap Singh to attend some function. Learned senior counsel has next submitted that during the course of investigation, one Deepak Ram was arrested who confessed that he along with one Deepak Upadhyay had killed the informant's father and in his statement he nowhere took the name of the petitioner in the commission of the offence. The learned senior counsel has also submitted that the tower location as well as the CDR of the petitioner on the date and time of occurrence was nowhere near the place of occurrence. During the course of the investigation, no material whatsoever has been found to connect the petitioner with the alleged occurrence. Lastly, it has been submitted that



the petitioner has antecedent of three cases, out of which in one he has been acquitted and in two cases he is on bail and he is in custody since 08.02.2025.

5. Learned APP for the State vehemently opposed the prayer for bail of the petitioner and has submitted that Amanul was with the deceased and he, in his statement recorded before the police, has stated that Mahtab (petitioner) and Fahim Ali came on a motorcycle and Mahtab (petitioner) shot the deceased. It has further been submitted that Fahim Ali, in his confessional statement, has also confessed that it was Mahtab who shot the deceased dead and he was accompanying him on a motorcycle.

6. Having heard learned counsel for the parties and taking into account the direct allegation against the petitioner of committing murder of the father of the informant, I am not inclined to enlarge the petitioner on bail. Hence, the prayer for regular bail of the petitioner is rejected.

(Sourendra Pandey, J)

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