

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35761 of 2025

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

Md. Shakil Alam @ Shakil Son of Imajuddin @ Imaj R/o Ward No.- 4,
Khajurbari, P.S.- Paharkatta, P.O.- Shitalpur, District - Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar, Adv

For the Opposite Party/s : Mr. Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 20-06-2025 Heard learned Counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner seeks regular bail in a case registered
for the offences punishable under Section 302 and 34 of the
Indian Penal Code.

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 his self confession and
confessional statement of the co-accused 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 person has already been granted bail by a co-ordinate Bench of this Court vide order dated 12.05.2025 passed in Cr. Misc. No. 22206 of 2025. It is lastly submitted that the petitioner has two criminal antecedents and is in custody since 03.06.2024.

5. Learned APP for the State has vehemently opposed the prayer for bail and has stated that not only the informant in his re-statement but even during the course of investigation, the petitioner as well as 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 barring the confessional statement of the petitioner there is nothing to connect the petitioner with the present case and also taking into account the fact that similarly situated co-accused person has already been granted bail by 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 Paharkatta P.S. Case no.56 of 2024, subject to the conditions :-

(i) One of the bailors will be close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be canceled by the Court concerned.

(iv) If the petitioner is found involved in similar nature of offence in future, the prosecution will be at liberty to move for cancellation of his bail bond.

(v) The learned 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.

7. The application stands allowed.

(Sourendra Pandey, J)

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