

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45322 of 2025

Arising Out of PS. Case No.-78 Year-2024 Thana- BANDEYA District- Aurangabad

Md. Kamal Mustafa @ Mister Son of Md. Muslim Resident of village -
Bhaisasur, Bargawan, P.S.- Rafiganj, District - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar Pandey, Advocate

For the Opposite Party/s : Ms. Pushpa Sinha.1, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 16-09-2025 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Bandeya P.S. Case No. 78 of 2024 registered for the alleged offences under Sections 310(2), 311 of Bharatiya Nyaya Sanhita, 2023 and Section 27 of the Arms Act.

03. As per prosecution case, five miscreants on two motorcycles chased the vehicle of the informant and opened fire and shot at the informant, who received two gunshot wounds. The name of the petitioner transpired during investigation for being involved in the said occurrence.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case and nothing incriminating has been recovered from his



person or possession. The name of the petitioner transpired in the confessional statement of co-accused Monu Khan @ Ajaz Khan, who has been granted bail by a Co-ordinate Bench vide order dated 13.05.2025 passed in Criminal Misc. No. 17045 of 2025. Other co-accused Md. Afroz Alam has also been granted bail on the same date. Learned counsel further submits that no test identification parade has been conducted. The petitioner is having antecedent of two cases and he is on bail in both the cases. The petitioner is in custody since 20.12.2024 and charge-sheet has been submitted.

05. Learned APP for the State opposes the submission made on behalf of the petitioner. Learned APP submits that the petitioner and other co-accused persons, who were riding on two motorcycles, opened fire on the informant who received two gun shot injuries.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the name of the petitioner came up in confessional statement of co-accused who has been granted bail and further considering the lack of substantive material against the petitioner and also considering the period of custody of the petitioner along with submission of charge-sheet, the petitioner



above named is directed to 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 learned Sub Divisional Judicial Magistrate, Daudnagar, Aurangabad in connection with Bandeya P.S. Case No. 78 of 2024, subject to the conditions mentioned in Section 480(3) of BNSS and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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