

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79944 of 2024

Arising Out of PS. Case No.-100 Year-2024 Thana- ISLAMPUR District- Nalanda

Md. Adil @ Adil Alam@Md. Aadil Alam Son of Md. Abbas Alam Resident of
Mohalla- Kajiya Police Station- Islampur, Dist.- Nalanda.

... .. Petitioner/s
Versus
The State of Bihar

... .. Opposite Party/s

Appearance :
For the Petitioner/s : Mr. Suresh Prasad, Advocate
For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP
For the Informant : Mr. Vikash Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 19-02-2025 Heard Mr. Suresh Prasad, learned counsel for the

petitioner, Mr. Jitendra Kumar Singh for the State and Mr.

Vikash Kumar Jha representing the informant.

2. The petitioner is in custody in connection with

Islampur P.S. Case No. 100 of 2024 for the offence punishable

under sections 302 and 34 of the IPC and Section 27 of the

Arins Act lodged on 07.03.2024 by the informant, Nezam.

3. As per the prosecution story, while the informant

was returning home along with his son, Nisar Alam, Md. Imran

Raja, Md. Ezaz started abusing and later, allegation is that Md.

Akbar @ Jarlahi fired upon his son, Md. Nisar Alam, it hit his

chest. The injured was taken to the hospital where he



succumbed to the injuries. This led to the FIR.

4. Learned counsel for the petitioner submits that a perusal of the FIR would show that the main role has been assigned to Md. Ejaj and Md. Akbar @ Jarlahi that upon the order of the father, the son opened fire which proved fatal. He submits that subsequently, it has been bettered and the role of the petitioner has been brought in as a person who provided the pistol. He has remained in custody since 07.03.2024 (paragraph-4 of the petition) and further submission is that if granted bail, he shall be diligently appearing in trial without fail. Failure to do so, appropriate steps can be taken for cancellation of his bail bond.

5. Learned counsel for the informant opposes the prayer submitting that his role has come subsequently and now after framing of the charge, one of the witnesses have been examined.

6. Considering the submissions put forwarded by the parties as also the fact that the role of order giver has been assigned to Md. Ejaj Alam who has been granted bail in Cr. Misc. No. 63704 of 2024, the allegation of opening fire is on Md. Akbar @ Jarlahi which proved fatal, though in the FIR, the name of the petitioner is not there, it has come to notice that



subsequently his name has been given as the person who brought the pistol, has remained in custody since 07.03.2024 and has undertaken to diligently appear in trial, in that background, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned A.C.J.M., Hilsa (Nalanda), in connection with Islampur P.S. Case No. 100 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences,



failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(v) the petitioner shall desist from committing any
criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Adnan/-

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