

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86998 of 2024

Arising Out of PS. Case No.-240 Year-2024 Thana- KHAJEKALA District- Patna

1. Md. Feku @ Hariya @ Qais @ Md. Reku, S/o Late Abdul Hasan, R/o vill - Naudhal Haidri Gali, P.S.- Khajekalan, Distt.- Patna
2. Aslam Maubna @ Gokul @ Aslam Maulana, S/o Md. Seraj, R/o Shahki Imli, P.S. - Khajekalan, Distt.- Patna

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Rama Kant Sharma, Sr. Advocate and Mr. Rakesh Kumar Sharma, Advocate
For the Opposite Party : Mr. Anil Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 28-03-2025 Heard learned senior counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners seek bail in connection with Khajekalan P.S. Case No. 240 of 2024 dated 06.06.2024 registered for the offences punishable under Sections 302, 120B read with Section 34 of the I.P.C. and Section 27 of Arms Act.

3. As per the prosecution case, on 06.06.2024 at 4.00 P.M., one Aslam Maulana made phone to her husband Aurangzeb @ Munmun and asked him as to what he has said to one Md. Quais @ Feku (petitioner no. 1) and came and meet with him at Nai Saradak Pani Tanki and after some time her husband went to meet the said Maulana and at 5.10 P.M., the mohalla people informed her that her husband has been shot



near Pani Tanki Nai Saradak when she went there, she found that her husband is lying in injured, she carried her husband to N.M.C.H., where her husband was declared dead. Then the informant alleged that nearby people told that the name of the persons who were indulged in the crime. It is further alleged that few months back the petitioner no. 1 was sent to jail and because of that the wife of the petitioner no. 1 threatened to kill the informant's husband as because of him he was sent to jail.

4. Learned senior counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. It is submitted that the alleged occurrence took place in broad-day light at 4.00 P.M. to 5.00 P.M. but the F.I.R. was instituted at 9.30 P.M. after a delay of approximately six hours and delay in lodging of the F.I.R. has not been explained by the prosecution. It is further submitted that no one has come forward to support the prosecution case which has taken place in broad-day light. The deceased was a man of questionable character and some unknown persons shot him from point blank range on the vital part of his body leading to his death. It is further submitted that the Investigating Officer collected the C.D.R. of mobile numbers of the petitioners who were found at the place of occurrence rather the mobile



locations of the petitioners were found away from the place of occurrence. There is general and omnibus allegation against the petitioners. It is further submitted that after one month of occurrence, the statement of Md. Sehzaad was recorded as an eye witness of the occurrence who stated that Md. Kaif (the elder son of petitioner no. 1) shot the deceased in course of exchange of hot words. The petitioner no. 1 has two criminal antecedents in which he is on bail and the petitioner no. 2 has clean antecedent as stated in paragraph no. 3 of the bail petition. The petitioner no. 1 is in custody since 25.06.2024 and the petitioner no. 2 is in custody since 07.07.2024 in this case.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioners.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioners, above named, are directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned J.M. Ist Class, Patna City in connection with Khajekalan P.S. Case No. 240 of 2024 with further condition:-

(I) The petitioner is directed to remain physically present before the learned court



below on each and every date, failing which
on two consecutive dates without reasonable
cause, the bail bonds of the petitioner are
liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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