

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86336 of 2024

Arising Out of PS. Case No.-452 Year-2021 Thana- ALAMGANJ District- Patna

Md. Mutahir S/O Md. Mahmood @ Md. Mazhar @ Mazhar Iqbal Zahidi
Resident in the house of Shahood Khan as kirayedar, near Kalighat
Immmbara, P.S.- Alamganj, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate
	:	Mrs. Vaishnavi Singh, Advocate
For the State	:	Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 18-04-2025 Heard Mr. Ajay Kumar Thakur, learned counsel for
the petitioner and Mr. Bharat Bhushan, learned APP for the
State.

2. The petitioner is in custody in connection with
Sessions Trial No. 1067 of 2023 arising out of Alamganj P.S.
Case No. 452 of 2021 for the offence punishable under sections
302, 120-B and 34 of the Indian Penal Code and section 27 of
the Arms Act, lodged on 26.07.2021 by the informant, Md.
Tarique.

3. As per the prosecution story, the informant alleged
that his younger brother had altercation with the accused and
they had threatened to kill him. On 26.07.2021, under
conspiracy, he was called near Kalighat and the accused



including the petitioner opened fire causing his death. The informant was an eye witness, the injured was taken to Patna Medical College and Hospital, Patna for treatment but declared dead. Accordingly, the F.I.R.

4. Learned counsel for the petitioner submits that he is in custody since 02.08.2021 and contrary to the statement made by the informant, he was not an eye witness but has narrated the story which led him to jail for long, the trial has still not concluded and in between, he moved before this Court twice which were rejected in Cr. Misc. No. 32841 of 2022 on 02.09.2022 and Cr. Misc. No. 86642 of 2023 on 09.02.2024. Further, if granted bail, he shall be diligently appearing in trial and failing even for a day, his bail bond may be canceled. Further, he shall not indulge in any criminal activity and shall be appearing before the concerned Police Station every week.

5. Learned APP opposes the prayer for bail submitting that the informant has alleged the role of this petitioner in this case.

6. Considering the facts that the petitioner is in custody for long, a report was called for from the Trial Court which has come vide letter no. 21 dated 21.03.2025 according to which, the record is pending for appearance of accused Md.



Raza as he has absconded after bail was granted to him, his bail bond has been canceled and non-bailable warrant has been issued.

7. Taking into account the aforesaid facts as also his period of custody and further an undertaking has been given that he shall be diligently appearing in trial and failure to do so the State shall be free to take steps for cancellation of his bail bond, in that background, this Court is inclined to extend him the privilege of bail with conditions.

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional District and Sessions Judge, 2nd, Patna City, in connection with Sessions Trial No. 1067 of 2023 arising out of Alamganj P.S. Case No. 452 of 2021, 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 week for next 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)

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