

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88442 of 2024

Arising Out of PS. Case No.-235 Year-2024 Thana- MUNGER MUFFASIL District- Munger

Md Taj Hassan @ Laddu Son of Mohammad Zubair Resident of Village-
Banaudha, P.S.- Mufassil, District- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Hafiz Shahbaz Arif, Advocate
	:	Mr. Abdul Mnnan Khan, Advocate
	:	Mr. Vivek Raj, Advocate
	:	Mr. Hafiz Shahzad, Advocate
For the State	:	Md. Fahimuddin, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 08-01-2025

Heard the parties.

2. The petitioner is in judicial custody in connection with Munger Muffasil P.S. Case No. 235 of 2024 for the offences punishable under Sections 302 and 34 of the Indian Penal Code and section 27 of the Arms Act, lodged on 19.06.2024 by the informant, Fatima.

3. As per the prosecution story, the informant is sister of both the brothers (one has left the world while the other is in the judicial custody) alleging that for the property, the two brothers were fighting. In the meantime, the family members provided him pistol and he opened fire causing death of the other brother. The allegation against this petitioner is that he



being the son-in-law, in the morning had provided the pistol.
This led to the F.I.R.

4. Learned counsel for the petitioner submits that admittedly, land dispute was the main reason why one brother allegedly killed the other brother. The lady who is sister only to implicate and harass, has, at the fag end of the F.I.R. included the name of the petitioner who is the son-in-law giving him a role of providing a pistol in the morning which in any case cannot be the reason to open fire and kill a person much less his own brother.

5. Learned APP for the State opposes the prayer submitting that it was the pistol provided by the petitioner which led to the killing.

6. Taking into account the submission put forward by the parties as also the fact that direct allegation of opening fire is on Rahmatulla to Waliullah (deceased), the allegation that has come against the petitioner is of providing the pistol, in the backdrop of the fact that he is in custody since 07.07.2024 having no criminal antecedent, this Court is inclined to extend him the privilege of bail.

7. 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 Chief Judicial Magistrate-II, Munger in connection with Munger Muffasil P.S. Case No. 235 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 *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court 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 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;

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

(Rajiv Roy, J)

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