

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52328 of 2026

Arising Out of PS. Case No.-124 Year-2011 Thana- KUMAR KHAND District- Madhepura

Md. Ibrahim S/o Late Alauddin, R/o Village - Yadupatti, P.S. - Kumarkhand,
District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Singh, Advocate

For the Opposite Party/s : Mr. Ahmad Ali, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 29-07-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Kumarkhand P.S. Case No. 124 of 2011 dated 20.08.2011, registered for the offences punishable under Sections 302, 201 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, the husband of the informant was shot dead by co-accused Noor Alam and allegation against the petitioner and other co-accused persons is that they had been holding the husband of the informant when co-accused Noor Alam fired the fire-arm shot.

4. Learned counsel appearing on behalf of the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. The FIR was instituted on



20.08.2011 for the offences under Sections 302, 201 and 34 of the IPC, thereafter, the matter was investigated by the police but the case was not found true against this petitioner and three other co-accused persons. Though, co-accused Noor Alam was sent up for facing trial, however the learned Additional Chief Judicial Magistrate-III, Madhepura differing from the final form took cognizance against this petitioner along with other co-accused persons. Learned counsel further submits that, however the co-accused Mahmood Alam who had been facing trial has been acquitted by the learned trial Court. In the course of investigation, one Prakash Kumar who is said to be the eyewitness by the informant denied being the eyewitness and he was not even made prosecution witness *vide* chargesheet dated 31.03.2020. During investigation none of the witnesses came forward to say that they are eyewitness. The petitioner never received any summons or warrant of arrest and suddenly he was arrested on 25.05.2026. Learned counsel lastly submits that petitioner is having clean antecedent and he is aged about 35 years.

5. Learned A.P.P. appearing on behalf of the State opposes the submissions made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the



fact that police has submitted the final report showing lack of evidence and further considering the petitioner's age, his clean antecedent and his period of custody, the petitioner, above-named, is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Madhepura / concerned Court, in connection with **Kumarkhand P.S. Case No. 124 of 2011**, subject to the condition laid down under Section 480(3) of the B.N.S.S. and other 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, if so required by the learned trial Court.

(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)

Shahnawaz/-

U		T	
---	--	---	--

