

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35421 of 2015

Arising Out of PS.Case No. -99 Year- 2013 Thana -RAMGARHWA District-
EASTCHAMPARAN(MOTIHARI)

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1. Sk. Abdul Bari Son of Sk. Hafizullah, Resident of village- Jumai Tola,
P.s Ramgarhwa, district East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar No.Iii

For the Opposite Party/s : Mr. Sanjay Kr.Pandey(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

5 30-11-2015 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with
Ramgarhwa P.S. Case No. 99 of 2013 registered for the offences
punishable under Sections 302, 34 of the Indian Penal Code and
Section 27 of the Arms Act.

The petitioner is named in the F.I.R. with allegation
that he has fired at the husband of the informant and to save his
life he fled away but Md. Naseeb again shot him causing his
death. During investigation the daughter of the deceased has stated
specifically that Md. Naseeb shot her father.

Submission is of false implication due to land dispute.



The informant has not seen the occurrence. The petitioner is not the assailant as per the version of the daughter of the deceased who was present at the place of occurrence and was urging for the life of her father. According to Salima Khatoon, Md. Naseeb is the assailant and not the petitioner. Chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence. The doctor has also found one injury and, as such, the petitioner deserves sympathetic consideration.

The learned A.P.P. submits that there is allegation that petitioner has also opened fire but one entry wound has been found and other is communicating one.

In the facts and circumstances stated above, considering that the petitioner is not the assailant as per the statement of the eye witness, Salima Khatoon and, as such, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Learned Sub-Divisional Judicial Magistrate Raxaul at Motihari arising out of Ramgarhwa P.S. Case No. 99 of 2013 subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each

and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

sushma/-

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(Jitendra Mohan Sharma, J)