

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46460 of 2015

Arising Out of PS.Case No. -349 Year- 2014 Thana -MADHUBANI TOWN District-
MADHUBANI

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1. Md. Akbar Ali Son of Late Abbas Ali, Resident of Village - Kharara,
P.S. - Madhubani Town, District - Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ratanakar Jha

For the Opposite Party/s : Mr. Ashok Kumar (App)

Mr. Gagandeo Yadav, Advocate

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

ORAL ORDER

5 14-12-2015 Heard learned counsel for the petitioner, learned

counsel representing the State and learned counsel for the

informant.

Petitioner seeks bail in connection with Madhubani

Town P.S. Case No. 349 of 2014 registered for the offences

punishable under Sections 147, 149, 341, 323, 337, 338, 307, 427,

504, 302 of the Indian Penal Code and Section 27 of the Arms

Act.

Allegedly, the petitioner due to some altercation with

the deceased caused threats and after 5-7 minutes came driving

pick-up van and shot at Md. Reja @ Sufi which did not hit and

then the petitioner dashed him with van with an intention to kill



him and crushed him resulting Md. Sufi became unconscious and thereafter, the petitioner fled away driving the pick-up van. The informant was bringing Md. Reja @ Sufi for treatment in four wheeler but in the way the petitioner and other co-accused being armed surrounded the four wheeler and started damaging the vehicle claiming that they will not allow the injured to go to hospital and assaulted the informant brutally and further assaulted others also and damaged the vehicle. The informant and Md. Reja @ Sufi were brought to Sadar Hospital, Madhubani from where Md. Sufi was referred to DMCH, Darbhanga and thereafter he was referred to PMCH where Md. Reja @ Sufi died.

Submission is of false implication and that the occurrence has not taken place in the manner as alleged. No case under Section 307 IPC or Section 27 Arms Act is made out and due to old enmity and village politics he has been implicated resulting the petitioner is suffering in custody since 13.07.2015. During post mortem six injuries have been found which does not corroborate the prosecution version.

Learned APP duly assisted by learned counsel for the informant opposes the prayer of bail by submitting that against the petitioner there is serious allegation and he with an intention to kill Md. Reja @ Sufi dashed and crushed him with Pick-up van and

further with the help of other co-accused made obstruction in the way when Md. Reja was brought for treatment.

In the facts and circumstances stated above, considering the allegation attributed against the petitioner, this Court is not inclined to enlarge the petitioner on bail, accordingly, his such prayer stands rejected.

(Jitendra Mohan Sharma, J)

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