

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.973 of 2015

Arising Out of PS.Case No. -95 Year- 2014 Thana -MURLIGANJ District- MADHEPURA

1. Md. Sultan Son of Late Muslim Miyan Resident of Village - Gamhariya Muslim Tola, P.S. - Murliganj, Distt. - Madhepura.
2. Md. Furkan Son of Late Muslim Miyan Resident of Village - Gamhariya Muslim Tola, P.S. - Murliganj, Distt. - Madhepura.
3. Md. Kalim @ Md. Kalim Miyan Son of Md. Safique Miyan Resident of Village - Gamhariya Muslim Tola, P.S. - Murliganj, Distt. - Madhepura.
4. Md. Rasul Son of Late Riyaz Miyan Resident of Village - Gamhariya Muslim Tola, P.S. - Murliganj, Distt. - Madhepura.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance:

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 10-03-2015 Heard learned counsel for the petitioners and learned A.P.P. for the State as well as learned counsel for the informant.

The petitioners apprehend their arrest in a case under Section 302 and other sections of the Indian Penal Code and Section 27 of the Arms Act.

Gist of the allegation is that all the accused persons having armed with guns and arrows came to the house of the informant and made indiscriminate firing. On account of the firing, seven persons were injured. One Sadre Alam succumbed to his injuries.

Learned counsel for the petitioners submits that no

specific allegation of firing is made against the petitioners. None of the witnesses during the course of investigation made allegation that the petitioners had fired. Sadre Alam is said to have disclosed before the son of the informant that Md. Majjamil fired indiscriminately at his leg and Md. Samidin fired at his chest. Md. Murtaza fired, which hit Md. Tahir, son of Md. Sadre Alam.

On the other hand, learned counsel for the informant submits that the informant has stated very categorically that all the petitioners were armed with rifles and guns and made indiscriminately in which seven persons were injured. Other accused persons, namely, Md. Sadik and others were granted regular bail vide order passed in Cr. Misc. No. 49057/2014.

Having considered the facts that the petitioners and others are alleged to have come at the house of the informant; made indiscriminate firing in which seven persons are injured; hence I do not find this case fit for grant of anticipatory bail to the petitioners in Murliganj P.S. Case No. 95 of 2014. Accordingly, the same is rejected.

The petitioners are directed to surrender in the court below within four weeks from today and make prayer for regular bail. The court below shall consider the prayer for regular bail of the petitioners taking into consideration that similarly situated

accused persons have already been granted regular bail by this Court.

(Prabhat Kumar Jha, J)

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