

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11572 of 2015

Arising Out of PS.Case No. -32 Year- 2014 Thana -KHAIRA District- JAMUI

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Rashid Mian Son of Farid Mian Resident of Village- Murbaro, P.S. Khaira,
District - Jamui.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar

For the Opposite Party/s : Mr. A.K.Chaudhary(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 06-08-2015

Heard both sides.

The petitioner seeks bail in a case under Section 302 and other sections of the Indian Penal Code and Section 27 of the Arms Act.

The informant alleged that while the informant along with his brother Prakash Yadav was returning from Jamui, they saw that Bhutai Yadav, Rashid Miyan (the petitioner), Panchu Miyan, Arjun Turi, Upendra Yadav and Ramniwas @ Ramji Yadav were standing on three motorcycles and as soon as they reached near them, they opened fire and thereafter he along with his brother started fleeing away. Arjun Turi fired which hit on the thumb of right hand of Prakash Yadav and the second fire was opened by Panchu Miyan which hit on the right hand of Prakash Yadav. The third shot was fired by Rashid Miyan (the petitioner) which hit on the thigh of Prakash Yadav. Thereafter, Bhutai

Yadav fired on the temple of Prakash Yadav causing his death on the spot. Learned counsel for the petitioner submits that the F.I.R. was lodged on 23.02.2014 but the inquest report was prepared prior to 22.02.2014. From perusal of the post mortem report, it appears that the deceased got one wound of entry and another wound of exit on his neck, just below the ear. No injury is said to have been caused by the petitioner and the firearm injury was cause by Bhutai Yadav.

Learned A.P.P., on the other hand, submitted that from perusal of the inquest report, it appears that four firearm injuries were found on the body of the deceased. It appears that the inquest report was prepared on 22.02.2014 but the F.I.R. was lodged on 23.02.2014.

Considering the facts aforesaid and the fact that the doctor found only two firearm injuries – one wound of entry and another wound of exit, which are attributed against Bhutai Yadav, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Sri U.K. Pandey, Judicial Magistrate 1st Class, Jamui in Khaira P.S. Case No. 32 of 2014.

(Prabhat Kumar Jha, J)

Dilip/-

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