

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55597 of 2015

Arising Out of PS.Case No. -23 Year- 2014 Thana -MARKAHI District- KHAGARIA

Ishrat

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aaruni Singh

For the Opposite Party/s : Mr. A.L.Pandit(App)

CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

02 15-12-2015

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner, namely, Ishrat, is in custody in Markahi
P.S. Case No. 23 of 2014 (G.R. No.682 of 2014) under Sections
325, 307, 302/34 of the Indian Penal Code and Section 27 of the
Arms Act.

According to the prosecution case, all the co-accused
persons including this petitioner assaulted the informant party and
this petitioner, Ishrat, fired at the brother of the informant, Md.
Mokim, which hit him on his stomach, as a result of which, he fell
down and he subsequently died during course of treatment.

Learned counsel for the petitioner submitted that all
other co-accused persons have already been granted bail by this
Court and the post-mortem report of the deceased shows that he

received two fire arm injuries and that there is counter version.
The petitioner's party have also filed a complaint case being
Complaint Case No. 385 of 2014.

Perused the post-mortem report. Admittedly, in view of
the post-mortem report, the deceased, Md. Mokim, died out of fire
arm injuries and the allegation in the F.I.R. is direct against the
petitioner that he fired at the deceased, which hit at his stomach.

In view of the above facts and circumstances of the
case, in my view, the case of the present petitioner is at different
footing than the co-accused, therefore, the bail application of the
petitioner stands rejected.

(Mungeshwar Sahoo, J.)

Brajesh/-

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