

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5200 of 2015

Arising Out of PS.Case No. -333 Year- 2007 Thana -MOHANIA District- BHABHUA (KAIMUR)

Rashid Akhtar, Son of Late Azfar Hussain, Resident of Village Sheikh Bahuara, P.S. Kochas, District Rohtas at present residing at New Bazar Singrauli, P.S. Singrauli, District Singrauli, Madhya Pradesh.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mrs. Sudha Chandra, Advocate.

For the Opposite Party/s : Mr. Shailendra Kumar No.1(App)

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA**

ORAL ORDER

2 06-02-2015

Heard both sides.

The petitioner apprehends his arrest in Mohania P.S. Case No. 333 of 2007, registered for the offences punishable under Section 302, 120(B) and 34 of the Indian Penal Code and Section 27 of the Arms Act.

Sajid Akhtar @ Raju named seven persons in the FIR and alleged that his father was going on a jeep. Saidur Rahman sat besides him and Mumtaz was also in the jeep. Makhan Mian, Hussain Ansari, Mokhtar and Shakil also proceeded on motorcycle. The father of the informant was killed. Gopal Singh the driver of jeep disclosed that the accused persons who were coming on two motorcycles shot his father and fled away. Later on father of the informant succumbed to the injury.

It is submitted that the petitioner is not named in the FIR,

name of the petitioner figured in the case for the first time in the statement of the wife of the deceased. The police after investigation submitted final form finding the accusations false against the petitioner. The petitioner and his brother have been falsely implicated in the case. Other accused persons named in the FIR have already been enlarged on regular bail. The brother of the petitioner has already been enlarged on anticipatory bail.

On consideration of the facts that the name of the petitioner figured in the case during the course of investigation that too on mere suspicion and the police after investigation submitted final form, the petitioner, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, 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 A.K. Singh, the learned Judicial Magistrate, 1st Class, Kaimur (Bhabhua) in connection with Mohania P.S. Case No. 333 of 2007, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

KKSINHA/-

(Prabhat Kumar Jha, J.)

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