

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55923 of 2015

Arising Out of PS.Case No. -359 Year- 2014 Thana -ARA NAGAR District- BHOJPUR

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Md. Chand Mian S/o- Late Amin Mian, resident of village- Dharhara, Ara,
P.S.- Ara Town, District- Bhojpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shri Prakash Srivastava, Adv.
Ms. Anu Priyadarshni, Adv.

For the Opposite Party/s : Mr. A.M.P.Mehta(App)

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

3 10-02-2016 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Ara Town
P.S. Case No. 359 of 2014 corresponding to G.R. Case No. 4238
of 2014 registered for the offences punishable under Sections 147,
148, 149, 307, 302 & 120(B) of the Indian Penal Code and Section
27 of the Arms Act.

Allegedly, Mintu Kumar, the cousin of the informant
was returning from the shop, the petitioner and other FIR named
accused persons being armed surrounded Mintu Kumar and
thereafter Ekram Miyan fired upon his chest with country made
pistol resulting Mintu fell down and then the petitioner also



opened fire which hit in the back and co-accused Jafar Miyan opened fire with *katta* which hit in the right hand and all the accused persons made indiscriminate firing and thereafter they fled away and during treatment Mintu died but in the way to hospital Mintu Kumar named six persons who are named in the FIR.

Submission is of false implication and that two main accused Md. Zafar Alam and Ekram Alam have faced Sessions Trial No. 02 of 2015 in this case and both have been acquitted by the judgment of learned Sessions Judge, Bhojpur and co-accused Md. Taslim has already been allowed bail and, as such, the petitioner also deserves sympathetic consideration.

The learned APP opposes the prayer of bail by submitting that the petitioner has got criminal antecedent also.

In the facts and circumstances stated above, considering that two co-accused Md. Ekram Alam and Md. Zafar Alam have already been acquitted and, as such, the petitioner who is suffering in custody since 26.05.2015, is also directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Learned CJM, Ara, Bhojpur in connection with Ara Sadar P.S. Case No. 359 of 2014 corresponding to G.R. No.

4238 of 2014 subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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