

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6882 of 2016

Arising Out of PS.Case No. -450 Year- 2014 Thana -BHAGALPUR KOTWALI District-
BHAGALPUR

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1. Md. Mikail @ Mikail Son of Md. Badal Resident of Mohalla -
Asanandpur, Police Station - Tatarpur, District - Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anamul Haque

For the Opposite Party/s : Mr. Satyendra Narayan Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 15-02-2016

Petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 307/34 of the Indian Penal Code and Section 27 of the Arms Act. Subsequently Section 324 I.P.C was also added.

The prosecution case is that the informant along with Md. Shahid Khan and Md. Belal were returning home on the motorcycle when two persons on the motorcycle came and resorted to fire which hit Md. Shahid Khan on his shoulder from whom the informant identified one of them as Md. Tinku and when the informant tried to escape then accused persons came on two motorcycles and resorted to fire but it did not hit the informant. The informant identified one of them as Md. Amjad. The F.I.R was lodged against Md. Tinku and Md. Amjad. The name of the petitioner surfaced on the confessional statement of Md. Firoj. Subsequently two eye

witnesses claimed to have identified the petitioner.

It is submitted by learned counsel for the petitioner that there was no occasion for any witness not to name the petitioner in the First Information Report. Moreover the firing was resorted to by two F.I.R named accused persons. It is further submitted that though petitioner is accused in one other case registered in 2004 but he is on bail in that case.

Considering the aforesaid facts, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Kotwali(Tilkamanjhi) P.S. Case No. 450 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The bail bonds of the petitioner will be accepted on filing affidavit to the effect that he will cooperate in the investigation. Non-cooperation in the investigation will give liberty to the prosecution to file appropriate application for cancellation of bail of the petitioner.

(Dinesh Kumar Singh, J)

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