

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20489 of 2016

Arising out of P.S. Case No. -180 Year- 2015 Thana –JALLEY District- DARBHANGA

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Mirza Shamim Anwar Baig @ Shamim Baig @ Ashran Baig, s/o Mirza
Aazam Baig, r/o village- Garri, P.S.- Jalley, District- Darbhanga (Bihar).

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uma Shankar Sharma, Adv.

For the State : Dr. Ravindra Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 20-07-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since
11.3.2016 in connection with Jalley P.S. Case No. 180 of 2015 for
the offences instituted under Sections 147, 148, 149, 302, 341,
323, 307, 504, 506 of the Indian Penal Code and Section 27 of the
Arms Act.

The Prosecution story, in brief, is that the petitioner
on the order of Ranu Baig, took out his rifle and shot fire which hit
both the sons of the Informant and they succumbed to the injuries.

It has been submitted on behalf of the petitioner that
the petitioner has got no criminal antecedent. The petitioner is in
custody since 11.3.2016 and the charge sheet has been submitted

in the present case. There is no allegation of tempering with the evidence against the petitioner. The petitioner has falsely been implicated in the present case. He was on election duty which is evident from Annexures- 3 and 4 to the present application.

On behalf of the State it has been submitted that the petitioner is named in the First Information Report and he is the main assailant causing injuries upon both the sons of the Informant and they died. The said fact is also supported from Paragraphs 19, 20, 21, 22 and 23 of the case diary.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in Jalley P.S. Case No. 180 of 2015 pending in the court of Chief Judicial Magistrate, Darbhanga.

S.Ali/-

(Sudhir Singh, J)

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