

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34203 of 2016

Arising Out of PS.Case No. -264 Year- 2016 Thana -MUZAFFARPUR TOWN District-
MUZAFFARPUR

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Md. Arshad Son of Md. Asif resident of Mohalla- Sutapatti Saraiyaganj,
P.S.- Town, District- Muzaffarpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Bela Singh

For the Opposite Party : Mr. Md. Nazir Ansari

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 29-09-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in a case instituted under
Sections 302/34 of the Indian Penal Code and Section 27 of the
Arms Act.

The prosecution story in brief, is that when the
informant was bringing the deceased for his production in the
court of chief Judicial Magistrate, Muzaffarpur, two unknown
persons fired thrice upon the deceased, due to which he
succumbed to the injury.

It has been submitted on behalf of the petitioner that the
petitioner is in custody since 19.05.2016. The charge sheet has



been submitted in the present case. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner is not named in the First Information Report. His name has figured for the first time in para-17 of the case diary, where the family members of the deceased have made a general and omnibus allegation against the petitioner. Subsequently, in paras-46 to 51 of the case diary, it has been stated that on the alleged date of occurrence, co-accused namely Md. Abid was driving the motorcycle and co-accused Md. Shamshad was pillion rider of the said motorcycle, fired upon the deceased, causing his death. As far as the petitioner is concerned, it is alleged that the petitioner was also there at the time of occurrence.

On behalf of the state it has been submitted that no overt act is alleged against the petitioner. The petitioner is not named in the F.I.R. He is the member of an unlawful assembly.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Muzaffarpur, in connection with Muzaffarpur Town P.S. Case No. 264 of 2016.

The petitioner is directed to co-operate during the trial.

If the court is satisfied that the petitioner is not co-operating in course of trial, the court below will be at liberty to cancel the bail of the petitioner.

(Sudhir Singh, J.)

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