

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31945 of 2016

Arising Out of PS.Case No. -61 Year- 2014 Thana -GAYA MUFFSIL District- GAYA

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Md. Rijwan @ Md. Rijju @ Rijju, Son of Md. Munna, Resident of village-
Pan Dukan, Bania Pokhar, Police Station- Civil Line, District- Gaya
..... Petitioner

Versus

The State of Bihar
..... Opposite Party

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Appearance :

For the Petitioner : Mr. Sanjay Kr. Sinha, Advocate
For the Opposite Party : Mr. Sanjay Kumar Sharma (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

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17-09-2016

Heard learned counsel for the petitioner and the

learned counsel representing the State.

The petitioner seeks bail in connection with Mufassil
P.S. Case No. 61 of 2014 registered for the offences punishable
under Sections 302, 120B and 34 of the Indian Penal Code and
Section 27 of the Arms Act.

Allegedly the petitioner and other five FIR named
accused persons having dispute with Md. Arif, the brother of the
informant was shot out dead near Bhusunda fair and there was fire
arm injury in the temporal region and bleeding was also oozing.

Submission is of false implication and that there is no
legal and cogent material against the petitioner and only on
suspicion, the petitioner has been implicated. He was not at the
spot. Nothing has been recovered from the conscious possession
of the petitioner and there is no specific allegation against him.
Out of six FIR named accused persons, the police submitted final

form against three namely, Md. Maqbool, Md. Heero and Md. Jamal and they have been released on bail by the court of learned Chief Judicial Magistrate itself. The petitioner has been remanded in this case from another case, resulting he is in custody since 18.03.2016. Charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence.

The learned APP opposes the prayer of bail.

In the facts and circumstances stated above and considering that there is no chance of tampering with the prosecution evidence and, as such, the petitioner shall 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 learned Chief Judicial Magistrate, Gaya, in connection with Mufassil P.S. Case No.61 of 2014, subject to the conditions that one of the bailors must be near relative of the petitioner 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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