

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.26232 of 2016

Arising Out of PS.Case No. -230 Year- 2015 Thana -KOTWALI District- MUNGER

Md. Shanni @ Md. Rizwan, S/o Ashlam @ Kali, resident of Mohalla
Kamla Road Colony, P.S.- Kotwali, Distt- Munger.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Kumar Kamal Nayan, Advocate.

For the Opposite Party : Mr. Nand Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 06-09-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since 11.10.2015
in connection with Kotwali P.S. Case No. 230 of 2015 for the
offences instituted under Sections 302/34 of the IPC and 27 of the
Arms Act.

It is alleged that some unknown miscreants killed the
younger brother, namely, Md. Sarfaraz Alam @ Jonney of the
informant and his dead body lying on the road. It is further alleged
that the deceased used to go for morning walk.

It has been submitted on behalf of the petitioner that the
petitioner is in custody since 11.10.2015 and the charge sheet has
been submitted in the present case. There is no allegation of

tampering of the witnesses alleged against the petitioner. He is not named in the F.I.R. The name of the petitioner has come in course of investigation. In paragraph no. 10 of the case diary, a chance witness who claims to be an eye witness has also stated that it was Md. Mustakin who fired upon the deceased. The said allegation is supported from the postmortem report. As far as the petitioner is concerned, he was only the member of unlawful assembly. No injury has been caused by the petitioner upon the deceased.

On behalf of the State, it has been submitted that the petitioner is not named in the F.I.R.

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 Sessions Judge, Munger, in connection with Kotwali P.S. Case No. 230 of 2015.

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(Sudhir Singh, J)