

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13772 of 2016

Arising Out of PS.Case No. -141 Year- 2014 Thana -BELSAND District- SITAMARHI

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Md. Alamgir @ Alamgir son of Rudal Miyan, resident of village - Pandrahi,
P.S.- Belsand, District- Sitamarhi

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar, Advocate

For the State : Mr. Durgesh Nandan, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR
SINGH
ORAL ORDER

2 01-04-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection with
Belsand P.S. Case No.141 of 2014 registered under Sections 302,
120B and 34 of the Indian Penal Code and Section 27 of the Arms
Act.

It is contended by learned counsel for the petitioner that
the informant has given specific names of seven persons while so
far as the 8th accused is concerned, the informant has specifically
alleged that he was the son of Md. Jaan who was arrested by the
police for having created trouble in the Muharram procession. The
informant has also specifically alleged that he is an eye witness to
the occurrence and he has witnessed the killing of Amod Sah and



he has specifically alleged that all the accused persons fired indiscriminately upon Amod Sah @ Guddu. The postmortem report reveals that three wounds of entry and three wounds of exit were found. It is further contented that the petitioner was neither named in the FIR nor he was named in the subsequent statement of the informant nor he was named by the other persons who claimed to be the eye witnesses to the occurrence. Moreover, not a single person raised suspicion against the petitioner of having involved in the crime or having conspired in commission of the crime but, subsequently much after incident merely on suspicion the police is trying to apprehend the petitioner.

Learned counsel for the State has opposed the application for grant of pre-arrest bail to the petitioner. However, he concedes that the informant being an eye witness to the occurrence has not named the petitioner as an accused involved in the offence.

Regard being had to the facts and circumstances of the case, in the event of arrest or surrender in the court below within four weeks from today, the above named petitioner is directed to 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 learned Judicial Magistrate, 1st Class, Sitamarhi in

connection with Belsand P.S.Case No. 141 of 2014 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

Md.S./-

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