

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44985 of 2015

Arising out of PS.Case No. -59 Year- 2015 Thana -RUPAULI District- PURNIA

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Adalat, son of Makko Mian, resident of village- Anjhari, P.S.- Rupauli
(Mohanpur O.P.), District- Purnea.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Viveka Nandsingh, Advocate.

For the Opposite Party : Mr. Veena Rani Prasad (App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 13-01-2016 Heard learned counsel for the petitioner and learned
counsel for the State

The petitioner is apprehending his arrest in connection
with Rupauli P.S. Case No. 59 of 2015 for the offences instituted
under Sections 302/3 of the IPC and 27 of the Arms Act.

The prosecution story, in brief, is that on 21.08.2015 at
2.00 P.M. the informant's father Wakil Singh alongwith one
Ishaque Mian had gone to Rupouli on Motorcycle and in course of
their returning to home at about 6.00 P.M. between village-Rahi
Tola and Jamaiya Tola near a culvert, some unknown miscreants
opened fire with their fire arms on them on account of which
father of the informant Wakil Singh and his companion Ishaque
Mian received fire arm injury. The father of the informant died on



spot whereas Ishaque Mian died on the way to Rupouli hospital. It is also stated that the miscreants after committing the alleged offence fled away towards the maize field leaving their motor cycle Hero Honda bearing Registration No. BR-19-J/0177 on the P.O. field. The informant did not know about the miscreants but his mother Usha Devi knew them, but she was not in a position to disclose anything because she was unconscious.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. Petitioner is not named in the FIR. The name of the petitioner has come in course of the investigation. On the basis of confessional statement of a co-accused, there is no eye witness to the alleged occurrence. There is no other substantive piece of evidence to suggest the implication of the petitioner in the present case. It is further submitted that the deceased was a veteran criminal of the area and the petitioner has falsely been implicated in the present case. The other co-accused has been granted anticipatory bail by this Court in Cr. Misc. No. 24488 of 2015.

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 in the event of his

arrest or surrender before the learned court below within a period of six weeks from today in connection with Rupauli P.S. Case No. 59 of 2015 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned J.M. Ist Class, Purnea, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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