

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28223 of 2016

Arising Out of PS.Case No. -700 Year- 2015 Thana -TURKAULIYA District-
EASTCHAMPARAN(MOTIHARI)

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Kalamuddin son of Late Sheikh Ayinul resident of Village - Mokhlispur,
P.S. - Banjariya, District - East Champaran.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava

For the Opposite Party/s : Mr. Sri Shyam Kumar Singh

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

2 13-07-2016 Heard learned counsel for the petitioner and learned
Additional P.P. for the State.

The petitioner is apprehending his arrest in a case
registered under Sections 147, 148, 149, 323, 324, 307 of the IPC
and Section 27 of the Arms Act.

The prosecution case is that the accused persons variously
armed with weapons came at the house of the informant and
started quarreling and accused Tuntun and Kalamuddin fired with
country made pistols and other Kalamuddin gave rod blow on the
head of the informant and they also assaulted his wife and
daughter and lastly his house was set on fire by the accused
persons.

From the FIR it appears that there are two Kalamuddins,

one is the petitioner and other is son of Late Ismail. The last portion of the FIR suggests that Kalamuddin, who was armed with gone, is the son of Late Ismail. Hence, prima facie, it appears that the petitioner is the person who gave rod blow on the head of the informant. Kalamuddin, son of Late Ismail, was granted bail by this Court considering him to be one of the co-accused in this case.

It is submitted by learned counsel for the petitioner that co-accused Kalimullah and Nazaam have already been granted bail by a coordinate Bench of this Court in Cr.Misc.No.2253 of 2016 vide order dated 25.1.2016.

Hence, in view of the above facts and circumstances, let the learned court below consider the prayer for regular bail of the petitioner, if he surrenders before the learned court below within a period of six weeks from today in connection with Turkaulia (Banjaria) P.S.Case No. 700 of 2015, pending in the court of the learned Chief Judicial Magistrate, East Champaran, Motihari.

With the aforesaid observation, this application is disposed of.

(Dinesh Kumar Singh, J)

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