

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12876 of 2016

Arising Out of PS.Case No. -25 Year- 2013 Thana -ASARGANJ District- MUNGER

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Md. Mustafa S/o Wali Alam R/o Asha Jorari, P.S.- Asarganj, District-
Munger.

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner : Mr. Dinesh Kumar Gupta, Advocate.

For the Opposite Party/s : Mr. P.N.Pandit (APP)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

4 20-06-2016 Heard the learned counsel for the petitioner, the

learned A.P.P for the State as also the learned counsel for the

Informant.

The petitioner seeks bail in a case for the offences
punishable under sections 147, 148, 149, 307, 504 and 379 of the
I.P.C and section 27 of the Arms Act.

The allegation against the petitioner is that he and
other co-accused, namely, Md. Salam @ Nakku and Md.
Shamshad opened fire upon the informant causing injury to him
due to the land dispute.

Submission is of false implication and that there is
case and counter case, long litigation is going on between the
parties, no fire arm injury has been caused to the informant which
is evident from the supplementary injury report which is annexed

as Annexure-5 to the main bail petition, other co-accused Md. Salam and Md. Shamshad have already been allowed bail and as such the petitioner also deserves sympathetic consideration.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes prayer for bail by submitting that other two co-accused have been allowed bail after considering their period of detention.

In the facts and circumstances as stated above, considering the injury report as annexed with the main bail petition and further considering that there is history of litigation between the parties and as such the 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 Sri Arvind Kumar Singh, J.M. 1st Class, Munger in Asarganj P.S. Case No. 25 of 2013, subject to the conditions that one of the bailors must be a near relative 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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