

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.9495 of 2016

Arising Out of PS.Case No. -173 Year- 2014 Thana -BARAHIYA District- LAKHISARAI

1. Md. Asahar @ Asaharuddin Son of Md. Ashamuddin Resident of Village Khuthadih, P.S. Barahiya, District Lakhisarai.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh

For the Opposite Party/s : Mr. Asha Devi (App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 01-03-2016 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner is in custody since 06.11.2015 in connection with Barahiya P. S. Case No. 173/2014 (G. R. No. 1505/2014) registered for offences punishable under sections 147, 148,149, 452, 302, 120B/34 of the Indian Penal Code and under Section 27 of the Arms Act.

The prosecution case is that on 08.10.2014 at about 09.00 P.M. after taking dinner, informant alongwith her husband Sanjay Singh and children went to the roof of the house for sleeping but after some time, she got down from the roof while her husband and one daughter, namely, Kajal Kumari were sleeping at the roof of the house. All of sudden in the night, she heard sound



of firing, then she saw from the window some persons on the road, out of them she identified the petitioner and eight others, named in the F.I.R., and out of them , one raised alarm to come down from the roof as the work has been finished. Thereafter on weeping of her daughter, when the informant went at the roof of the house, she saw her husband dead and blood oozing from the leg of her daughter, Kajal Kumari, who disclosed that firstly Pankaj Kumar shot fire at her father Sanjay Singh and again fired at her in which she sustained injury saying that it is the result of not withdrawing the case.

It has been submitted by the learned counsel for the petitioner that he is innocent and only on the basis of the confessional statement of one Pankaj Kumar, co-accused, named in the F.I.R., the name of the petitioner surfaced.

It has been submitted by the learned counsel for the petitioner that said Pankaj Kumar has since been granted bail by a Co-ordinate Bench of this Court vide order 27.10.2015 passed in Cr. Misc. No. 47176 of 2015.

However, learned A.P.P. for the State opposes the prayer for bail stating that name of the petitioner has surfaced on the basis of confessional statement of co-accused.

Considering the facts and circumstances, let above

named petitioner, Md. Asahar @ Asaharuddin is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai in connection with Barahiya P.S.Case No. 173/2014 (G.R. No. 1505/2014) with following conditions :-

- I) One of the bailors will be the close relative of the petitioner.
- II) The petitioner will not indulge in similar or in any other offence.
- III) The petitioner will be well represented in the Court.
- IV) In case of absence for two consecutive dates or in violation of the terms of the bail, his bail bond will be liable to be cancelled by the Court concerned.

(Nilu Agrawal, J)

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