

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29529 of 2016

Arising Out of PS.Case No. -69 Year- 2016 Thana -SIWAN CITY District- SIWAN

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Pappan Miyan @ Pappan Khan S/o Late Kudan Miyan, Vill. Ram Nagar,
P.S. Siwan Town, Distt. - Siwan

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate

For the Opposite Party/s : Mr. S. Ehteshamuddin, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 27-09-2016

Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in a case instituted for the
offence under Sections 326 and 307/34 of the Indian Penal Code.

The prosecution case, in short, is that the informant
was returning from the site after making payment to the workers
of Infra Private Limited and reached near hot mix plant at
Ramnagar, he saw one Apache motorcycle standing in starting
position and two persons entered in the plant. In the light of torch
the informant saw that one Pappan Miyan i.e. the petitioner was
having pistol in his hand and one short height man was with him
and seeing the pistol in his hand the informant started fleeing,
upon which the petitioner fired from his pistol, which hit the
informant in waist and then he fell down sustaining injury and the
accused persons fled away. The informant was taken to Hospital
for treatment.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 11.3.2016 and charge sheet has been submitted in the present case. There is no allegation of tampering of witnesses alleged against the petitioner. As per the F.I.R., the petitioner is said to have caused injury upon the victim by firearm. The other co-accused in his confessional statement recorded in paragraph 49 of the case diary has claimed to have fired upon the victim and caused injury on his waist. The injury report indicates that there is only one firearm injury on the waist. It is further submitted that the petitioner may be released after completion of nine months in custody from 11.3.2016.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the above named petitioner be released on bail after completion of nine months in custody from 11.3.2016 on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan in connection with Siwan Town P.S. case No.69 of 2016.

(Sudhir Singh, J)

Narendra/-

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