

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26629 of 2015

Arising Out of PS.Case No. -103 Year- 2014 Thana -PURAINI District- MADHEPURA

1. Ketabul Ansari, son of Late Suddi Ansari, Resident of village- Kamar Pur, P.S. Bihariganj, District- Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Jha

For the Opposite Party/s : Mr. Pranav Kumar(App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 03-03-2016 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner apprehends arrest in connection with
Puraini P.S. Case No. 103 of 2014, for offences alleged under
Sections 302/34 of the Indian Penal Code and Section 27 of the
Arms Act.

The prosecution as lodged by the informant Sakina
Khatoon, in her fardbeyan that on 15/16.11.2014 at about 11:45
P.M in the night, while the informant along with her husband Late
Sudhir Marhom were sleeping at the darwaja of their house, the
informant saw that Gulab Ansari, Murshid Nadaf, were having fire
arms in their hand from which Gulab Ansari shot fire upon the
informant's husband which hit his temporal region due to which

he died the accused persons fled away on the motorcycle of the petitioner who was standing outside along with another named accused.

It has been submitted by learned counsel for the petitioner that the petitioner is innocent having committed no offence and the only allegation against him is that he was standing outside with the motorcycle in which all the accused persons flee away. This fact has not been substantiated by the informant in her protest petition wherein he has named only three persons and not the petitioner. The counsel for the petitioner further submits that no case under Section 302 and Section 27 of the Arms Act is made out against the petitioner and none of the witnesses has alleged against the petitioner regarding his complicity in the said offence. It has further been submitted that as per the post mortem report only one injury has been found which caused death and which the informant alleges to have been caused by another co-accused Gulab Ansari. However learned A.P.P. submits that all the witnesses have supported that the other co-accused have run away on the motorcycle of the petitioner.

Be that as it may, the petitioner named above in the event of his arrest/surrender in the court below within a period of 8 weeks from today 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 Shri P.K. Chaudhary, Judicial Magistrate, Uda-Kishunganj, District Madhepura in connection with Puraini P.S. Case No. 103 of 2014 corresponding to G.R. No. 163 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Nilu Agrawal, J)

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