

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.45878 of 2016

Arising Out of PS.Case No. -264 Year- 2016 Thana -MUZAFFARPUR TOWN District-
MUZAFFARPUR

- =====
1. Vicky @ Md. Wasim,
 2. Rohit @ Md. Quadir, both are sons of Md. Aarif, resident of Mohalla-
Pankaj Market, P.S.- Town, District- Muzaffarpur.

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Bela Singh

For the Opposite Party : Mr. Chaubey Jawahar

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 24-10-2016 Heard learned counsel for the petitioners, learned
counsel for the informant and learned counsel for the State.

The petitioners seek bail in a case instituted under
Sections 302/34 of the Indian Penal Code and Section 27 of the
Arms Act.

The prosecution story, in brief, is that when the
informant was bringing the deceased for his production in the
court of Chief Judicial Magistrate, Muzaffarpur, two unknown
persons fired thrice upon the deceased, due to which, he
succumbed to the injury.

It has been submitted on behalf of the petitioners that
the petitioners are in custody since 19.05.2016. The charge sheet
has been submitted in the present case. There is no allegation of
tampering of witnesses alleged against the petitioners. The

petitioners are not named in the First Information Report. Their names have been figured for the first time in para-17 of the case diary, when the family members of the deceased made a general and omnibus disclosure of the names of the accused persons in the present case. Subsequently, in para-46 and 51 of the case diary, it has been alleged that the petitioners along with others were also present at the place of occurrence. Md. Shamshad is said to have fired upon the deceased, causing the death of the deceased Suraj Kumar. The other co-accused has been granted bail vide Cr. Misc. No. 34203 of 2016.

On behalf of the state and the counsel for the informant, it has been submitted that though, the petitioners are not named in the F.I.R. but they have actively participated in the alleged occurrence.

Considering the aforesaid facts and circumstances, let the petitioners above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Muzaffarpur in connection with Muzaffarpur Town P.S. Case No. 264 of 2016.

(Sudhir Singh, J.)

Amit/-

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