

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30074 of 2017

Arising Out of PS.Case No. -44 Year- 2014 Thana -RAMGARHWA District-
EASTCHAMPARAN(MOTIHARI)

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1. Md. Mahfooz, son of Abdul Bari @ Md. Abdul Bari, Village- Jumai
Tola, P.S.- Ramgarhwa, District- Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar No.III

For the Opposite Party/s : Mr. Tapeswar Sharma

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 18-09-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
04.12.2016 in connection with Ramgarhwa P.S. Case No. 44/2014
for offences punishable under Sections 302, 307, 34 of the Indian
Penal Code and 27 of the Arms Act.

The prosecution case, as lodged by the informant, is
that while he along with his father Sheikh Ibrahim, uncle Akhtar
Hussain and one other were coming in a jeep, the petitioner along
with five others in a motorcycle intercepted his jeep and killed his
father and also shot the informant, but the shot did not hit him.
Allegation upon the petitioner is that he took the deceased out
from the jeep along with another co-accused Md. Wazir.



It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that main allegation is upon Md. Naseeb, who fired on the forehead and Md. Ramjan, who fired on the chest and allegation upon the petitioner is of firing on the informant, which did not hit him. He further submits that the order giver Md. Abdul Bari has been granted privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 5706 of 2015 on 28.04.2015.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Raxaul at Motihari, East Champaran, in connection with Ramgarhwa P.S. Case No. 44 of 2014, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner and that petitioner will appear before the learned court below during trial as and when required and failure to appear on



two consecutive dates without assigning any reason will entail cancellation of his bail bonds. Petitioner will also appear before the concerned police station in the first week of every month.

The court below is directed to expedite and conclude the trial.

(Nilu Agrawal, J)

Rajesh/-

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