

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48270 of 2017

Arising Out of PS.Case No. -169 Year- 2016 Thana -RAXAUL District-
EASTCHAMPARAN(MOTIHARI)

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Salim Miya @ Salim Mansoori, Son of Late Juman Miya, Resident of
Village- Sabji Bajar, P.S.- Raxaul, District- East Champaran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 19-12-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
26.05.2017 in connection with Raxaul P.S. Case No. 169 of 2016
for offences punishable under Sections 302, 120B, 34, 324, 307 of
the Indian Penal Code, Section 27 of the Arms Act and ¾ of the
Explosive Substance Act.

The prosecution case, as lodged by the informant, is
that while he and his family members were at home, the petitioner
along with 13 named persons in the F.I.R. and 4-5 unknown
persons variously armed with arms came and fired on the father of
the informant who during course of treatment succumbed. Specific



allegation upon the petitioner and two others is of throwing bomb which injured the informant's family members Puja Kumari and Neha Devi.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and general and omnibus allegation has been levelled against the petitioner. He submits that the allegation of throwing bomb by the petitioner and other two other persons did not cause injury to any one and that there is no allegation of firearm injury by the petitioner. He submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

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, Motihari, East Champaran in connection with Raxaul P.S. Case No. 169 of 2016, subject to the conditions that:



- (1) 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.
- (2) 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.

(Nilu Agrawal, J)

Devendra/-

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