

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39949 of 2017

Arising Out of PS.Case No. -103 Year- 2017 Thana -KOTWALI District- MUNGER

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1. Sahwaz Ali @ Md. Sahwaz Ali Son of Md. Riyaz Ali, resident of Azad Colony, Purab Sarai, P.S. Kotwali, District- Munger.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.40032 of 2017

Arising Out of PS.Case No. -103 Year- 2017 Thana -KOTWALI District- MUNGER

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Dayanand Mandal @ Dayanand Kushwaha

... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.39949 of 2017)

For the Petitioner/s : Mr. Birendra Kumar Singh, Adv

For the Opposite Party/s : Mr. Anuj Kumar Srivastava, APP

(In Cr.Misc. No.40032 of 2017)

For the Petitioner/s : Mr. Ajit Kumar Singh, Adv

For the Opposite Party/s : Smt. Pushpa Sinha, APP

For the informant : Mr. K. N. Sahay, Adv

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

2 21-09-2017 Heard learned counsel for the petitioners, learned counsel for the informant as well as learned APP in both the petitions arising out of same PS case, on account thereof, both the petitions are being heard and disposed of by a common order.

Mahboob Alam along with his two sons while were taking sugarcane juice, 7-8 unknown criminals intercepted them and made indiscriminate firing, on account thereof, Mahboob Alam sustained severe injury while his son, Tabrez succumbed to his



injuries. The informant who happens to be wife of injured, Mahboob Alam had further disclosed that she after having been informed by her another son, Md. Adil rushed to the hospital where her husband disclosed the name of assailants as, Suraj Yadav, Dayanand Mandal, Shahnawaz Alam, Md. Shahid Qamar @ Bablu. Furthermore, it has been disclosed that as she was to contest the coming election of Ward Commissioner against mother of Md. Rizwi and for that Md. Rizwi along with Md. Athar Imam @ Jebu along with other associates have threatened at an earlier occasion.

The informant is not an eyewitness to the occurrence. Md. Adil has not been examined, Mahboob's statement is under para-26 of the case diary whereunder he had not specified these two petitioners to be his assailants along with assailant of his son, Tabrez (Since deceased) as well as Ganesh, vendor (another injured) who also failed to identify the petitioners (para-8).

Whatsoever coming out from the statement of the victim is that at an earlier occasion, petitioner, Sahwaz Ali along with Mahmood, Rizwi and Md. Athar Imam had visited his place and threatened. Md. Athar Imam @ Jebu has already been granted bail by this Court vide Cr. Misc No. 31401/2017.

That being so, petitioners, namely, Sahwaz Ali @ Md.



Sahwaz and Dayanand Mandal @ Dayanand Kushwaha are directed to be released on bail on furnishing bail bond of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of CJM, Munger in Kotwali PS Case No. 103/2017.

(Aditya Kumar Trivedi, J)

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