

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12777 of 2017

Arising Out of PS.Case No. -225 Year- 2015 Thana -RAJNAGAR District- MADHUBANI

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Md. Mahboob @ Md. Mahboob Ali, son of Late Asolim, resident of
Village- Gaus Nagar, P.S.- Raj Nagar, District- Madhubani.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Gagan Deo Yadav, Advocate.

For the Opposite Party : Mr. Ram Bachan Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 01-05-2017 Heard both sides.

The petitioner apprehends his arrest in Raj Nagar P.S.
Case No. 225 of 2015, registered for the offences punishable
under Section 307 and other Sections of the Indian Penal Code.
Later on, Section 302 of the Indian Penal Code was added vide
order dated 23.11.2015.

The informant alleged that Md. Akhtar called his family
members and then Imran, Sonu, Zilani and Md. Mahboob, the
petitioner are alleged to have come on an auto rickshaw. They
were armed with sword, lathi and knife and dashed the motorcycle
of Md. Irsad, son of the informant. The informant further alleged
that the accused persons assaulted Md. Irsad with sword, lathi and
knife.



Learned counsel for the petitioner submits that the occurrence took place on 16.10.2015 but, the informant gave written application on 26.10.2015, on the basis of which the present FIR was lodged under Section 302 and other Sections of the Indian Penal Code. Md. Zilani lodged Rajnagar P.S. Case No. 217 of 2015 on 18.10.2015 alleging therein, that the son of the informant dashed the auto rickshaw of Md. Zilani and the motorcyclists got injuries and fell down on the ground. It is further submitted that the informant after the death of his son made statement in the PMCH on 08.11.2015 and, disclosed the name of 11 persons. The police after investigation submitted charge sheet against the other accused persons. The learned Chief Judicial Magistrate, Madhubani, however, took cognizance against the petitioner also.

It appears that the informant did not make any specific allegation against the petitioner. The occurrence took place on 16.10.2016 but, the FIR was lodged on 26.07.2015, even then the informant did not make any specific allegation against the petitioner. On 16.10.2015, itself, the auto rickshaw owner Md. Zilani lodged Rajnagar P.S. Case No. 217 of 2015, that the deceased dashed his auto rickshaw and also got injuries. The police after investigation did not find the accusation true against



the petitioner.

Considering the facts aforesaid, the petitioner above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to 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 the Chief Judicial Magistrate, Madhubani in Raj Nagar P.S. Case No. 225 of 2015, Subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J.)

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