

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.11648 of 2017

Arising Out of PS.Case No. -210 Year- 2016 Thana -GOPALPUR District- BHAGALPUR

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1. SEKH RIYAZ @ SK. RIYAZ S/o Late Sekh Suleman resident of Village
- Bari Makandpur, P.S. - Gopalpur, District - Bhagalpur. Petitioner/s
Versus

1. The State of Bihar. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Yadav

For the Opposite Party/s : Mr. Sri Tarkeshwar Nath Thakur

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA**

ORAL ORDER

3 27-04-2017 Heard both sides.

The petitioner seeks bail in Gopalpur P.S. case No.
210 of 2016 under Section 302, 120B/34 of the Indian Penal Code
and under Section 27 of the Arms Act.

The informant, Sekh Azad, alleged that he along with
his brother was going to plough the land along with tractor driver,
Manikant Sah, and when they reached near the house of Sekh
Rabis, Sekh Rabis, Sekh Babloo, Sekh Raja, Sekh Riyaz, the
petitioner, Sekh Alaudin and Sekh Sahid asked his brother not to
plough the field. His brother insisted to plough the land as the
judgment has already been delivered in favour of informant and
his brother. On such, Sekh Rabis opened fire which hit in the
armpit of his brother, Sekh Dulara. Sekh Babloo fired which hit on
the temple of his brother and his brother fell down on the ground.
It is further alleged that Sekh Raja, son of Sekh Rabis, fired on the



informant but the informant some how saved himself.

The learned counsel for the petitioner submits that, of course, the petitioner is named in the FIR but no specific allegation is made against the petitioner. Even during the course of investigation the witnesses have stated that Sekh Rabis and Sekh Babloo fired which hit on the armpit and temple of Sekh Dulara, the deceased.

The learned Additional Public Prosecutor, however, opposed the prayer for bail.

Having considered the facts that petitioner is, of course, named in the FIR but the petitioner is not alleged to have fired on the deceased rather Sekh Rabis and Sekh Babloo are alleged to have fired at the deceased, Sekh Dulara, and no specific allegation of assault is made against the petitioner, the above named petitioner 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 learned Additional Chief Judicial Magistrate-I, Naugachia, Bhagalpur in Gopalpur P.S. Case No. 210 of 2016, (G.R. No. 1151 of 2016).

(Prabhat Kumar Jha, J)

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