

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25 of 2017

Arising Out of PS.Case No. -264 Year- 2016 Thana -MUZAFFARPUR TOWN District-
MUZAFFARPUR

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Md. Shadab, Son of Md. Akil, resident of Mohalla - Pankaj Market
Saraiyaganj, Shanker Bagh, Police Station- Town, District – Muzaffarpur.

.... 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 MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

3 06-04-2017 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner seeks bail in connection with Sessions
Trial No.672 of 2016, arising out of Muzaffarpur Town P.S. Case
No.264 of 2016, registered under Sections 302/34 of the Indian
Penal Code besides Section 27 of the Arms Act.

The accusation is that when the deceased Suraj Kumar
was being carried by the informant Badho Rajak for production in
the court of the Chief Judicial Magistrate, Muzaffarpur, at that
time, one unknown person fired at Suraj Kumar, who died on the
spot.

Learned counsel appearing on behalf of the petitioner



submits that the petitioner is not named in the F.I.R. In course of investigation, the witnesses, in paragraphs-46, 17, 48 and 49 of the case diary, disclosed that Khurshid, Ashik, Raja, Arshad and this petitioner instigated Shamshad alias Auua and Abid, then Shamshad alias Auua, who was sitting on the back seat of the motorcycle, which was being driven by Abid, fired at the deceased Suraj Kumar, who died on the spot.

Learned counsel appearing on behalf of the petitioner submits that, on mere suspicion, the petitioner has falsely been implicated in this case. The petitioner is in custody since 19.05.2016. Further submission is that while the petitioner is accused in one more case, as detailed in paragraph-3 to this application, but in that case, the petitioner has already been allowed bail.

Having regard to the facts and the circumstances of the case, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the 2nd Additional Sessions Judge, Muzaffarpur, in connection with Sessions Trial No.672 of 2016, arising out of Muzaffarpur Town P.S. Case No.264 of 2016. Out of the two sureties, one must be close relative of the petitioner, who will file an affidavit giving



genealogy as to how he/she is related with the petitioner. The bailors will undertake to furnish information to the court about any change in the address of the petitioner.

(Rajendra Kumar Mishra, J)

P.S./-

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