

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27509 of 2017

Arising Out of PS.Case No. -7 Year- 2017 Thana -HUSAINGANJ District- SIWAN

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Guddu Mian son of Late Gafur Mian, Resident of Navada Tola,
P.S. Hussainganj (M.H. Nagar), District- Siwan.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Prashant Kumar, Advocate

For the Informant : Mr. Amir Alam, Advocate

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. 01-07-2017

Heard learned counsel for the petitioner,

learned counsel for the informant and the learned A.P.P. for
the State.

Petitioner, in the present case, is seeking
regular bail in connection with Hussainganj (M.H. Nagar)
P.S. Case No. 07/2017 registered for the offence punishable
under Sections 147, 148, 149, 302 and 380 of the Indian
Penal Code.

Learned counsel for the petitioner submits that
from a bare perusal of the fardbeyan it would appear that
there is a specific allegation against one Sageer Miyan, who
is said to have given the fatal blow causing death of
Alladdin Miyan.



Learned counsel for the petitioner further submits that so far as the present petitioner is concerned, there is no allegation that he assaulted the deceased. The allegations are that all the accused persons entered in the house of the informant and took away the ornaments and valuables from his house. Learned counsel submits that the petitioner has no criminal antecedent and considering the nature of allegation particularly that there is no allegation of assault against the present petitioner, the petitioner will be enlarged on bail.

Learned counsel for the informant opposed the prayer for bail, as according to him the present petitioner was one of the members of the unlawful mob who entered in the house of the informant and had participated at the time of his alleged occurrence.

Considering the nature of allegation particularly that there is no specific allegation of assault against the present petitioner and the petitioner has no criminal history, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial



Magistrate, Siwan, in connection with Hussainganj (M.H. Nagar) P.S. Case No. 07/2017, subject to condition as laid down under Section 437(3) of the Code of Criminal Procedure, which reads as follows:

“437(3). When a person accused or suspected of the commission of an offence punishable with imprisonment which may extend to seven years or more or of an offence under Chapter VI, Chapter XVI or Chapter XVII or the Indian Penal Code (45 of 1980) or abetment of, or conspiracy or attempt to commit, any such offence, is released on bail under sub-section (1), [the Court shall impose the conditions, -

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence, and may also impose, in the interests of justice, such other conditions as it considers necessary.]”

(Rajeev Ranjan Prasad, J.)

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