

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56616 of 2017

Arising Out of PS.Case No. -257 Year- 2017 Thana -BASANTPUR District- SIWAN

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Shahzad Ali S/o Shamshad Ali, R/o Village- Baletha, P.S.- Siwan Muffasil,
District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. Sri Shailendra Kumar -1

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 30-11-2017 Heard learned counsel for the petitioner, the
informant and the State.

The petitioner seeks bail in connection with
Basantpur P.S. Case No. 257 of 2017 dated 29.07.2017 instituted
for the offences under Sections 302 and 120B of the Indian Penal
Code and Sections 25(1-B)a/26/27 of the Arms Act.

The informant who is the mother of the deceased has
alleged that in the night when she heard the sound of firing, she
went to the room of her son (deceased) along with her daughter
and saw some of the named accused persons running away. She
also witnessed that the deceased was lying dead in a pool of blood.
Later, in the FIR, she has alleged that the occurrence took place
because of the conspiracy of one Raja Khan and Sajish Khan.



Mr. Manish Kumar, learned Advocate appearing on behalf of the petitioner has submitted that the petitioner has not been named in the FIR as having been either seen by the informant running away along with the other accused persons or as a conspirator. His name transpired on the statement of one Rahim Khan who is said to have stated that the petitioner had provided a bomb to the accused persons for committing the crime. The FIR, however, indicates that while the accused persons left the place of occurrence, they left behind some of the weapons and the bomb as well.

Mr. Krishna Kant Singh, learned counsel appearing on behalf of the informant has submitted that since the petitioner is the provider of incendiary material, he ought not to be granted bail.

Since the petitioner is not named in the FIR and has only been named by a co-accused as having provided a bomb to the accused persons, this Court is inclined to grant bail to him. While saying so, this Court has also taken note of the fact that the petitioner has remained in custody since 20.08.2017.

In the facts and circumstances, the petitioner above named is directed to be released on bail on his furnishing bail bond in the sum of Rs. 10,000/- (Ten Thousand) with two sureties



of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan in connection with Basantpur P.S. Case No. 257 of 2017.

(Ashutosh Kumar, J)

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