

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42640 of 2017

Arising Out of PS.Case No. -648 Year- 2017 Thana -SAHARSA District- SAHARSA

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1. Mukhtar @ Md. Mukhtar Alam Son of Md. Satto @ Sattar, R/o Vill.-
Saharsha Basti, Ward No.31, P.S.- Saharsha, Dist.- Saharsha.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pawan Kumar

For the Opposite Party/s : Mr. Sri Anuj Kumar Srivastava

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 14-09-2017 Heard the parties.

This application is for grant of regular bail in connection with Saharsha Sadar P.S.Cae No.648 of 2017 for the offences under Sections 447, 307 and 34 of the Indian Penal Code.

Submission of the learned counsel for the petitioner is that the petitioner along with one co-accused demanded *Gutka* and when the informant demanded money, they fired on the brother of the informant causing injury on his chest. Further submission is that though in the FIR, no specific allegation has been attributed against the petitioner or the co-accused persons but later on in his re-statement the informant has stated that firing was made by the co-accused and nothing else has been mentioned against this petitioner. The petitioner is in custody for about 2 ½ months and



he has no criminal antecedent.

Heard learned A.P.P. also.

Having heard both sides and in view of the facts and circumstances, as stated above, this application is disposed of with direction to the learned court below to examine the submission that firing is by the co-accused as stated in re-statement and if it is found true, he shall release the petitioner on bail in connection with Saharsha Sadar P.S.Case No.648 of 2017 on his own satisfaction.

(Vinod Kumar Sinha, J)

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