

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.1359 of 2017

Arising Out of PS.Case No. -95 Year- 2014 Thana -MURLIGANJ District- MADHEPURA

=====

Md. Mozzmil @ Md. Mozmil Son of Late Wasil Mian, Resident of Village-
Gamharia, P.S. Murliganj District-Madhepura Petitioner

Versus

The State of Bihar ... Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. N. K. Agrawal, Sr. Advocate
Mr. Dinesh Prasad Verma

For the Opposite Party/s : Mr. Sri Nand Kumar

=====

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

4 10-02-2017 Heard learned Sr. Counsel for the petitioner and
learned counsel representing the State.

The petitioner seeks bail in connection with
Murliganj P.S. Case No. 95 of 2014 registered for the offences
punishable under Sections 147, 148, 149, 341, 342, 452, 323, 324,
307, 302, 504 and 506 of the Indian Penal Code and Section 27 of
the Arms Act.

The allegation against the petitioner is that he shot
fire in the leg of the deceased and co-accused Md. Samid fired in
his chest.

Submission is of false implication and that the
petitioner is in custody since 03.08.2016, chargesheet has already
been submitted and there is no chance of tampering with the
prosecution evidence, in post mortem report no injury has been



found on the leg of the deceased and as such the allegation that the petitioner fired on the leg of the deceased is not substantiated, several other co-accused have been allowed bail though the prayer of bail of Md. Samid has been rejected as he is the assailant.

Learned APP duly assisted by learned counsel for the informant opposes the prayer of bail by submitting that from the place of occurrence two empty cartridges were recovered and it goes to show that the petitioner has also fired but luckily that did not hit and further the petitioner was apprehended with firearm, cartridges and illicit liquor.

In the facts and circumstances stated above, considering that in the leg of the deceased no firearm injury was found, chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Madhepura in connection with Murliganj P.S. Case No. 95 of 2014, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date



during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

avin/-

U		T	
---	--	---	--

