

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.26312 of 2017

Arising Out of PS.Case No. -32 Year- 2014 Thana -KHAIRA District- JAMUI

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1. Panchu Mian @ Md. Eqbal Ansari Son of Late Jahir Mian, Resident of Village- Badahi, P.S.- Khaira, District- Jamui.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar, Advocate

For the Opposite Party/s : Mr. Bisheshwar Ram, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 10-07-2017 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner is languishing in jail since 15.12.2016 in a case registered for the offence punishable under Sections 302/120(B), 379/34 of the Indian Penal Code and Section 27 of Arms Act.

The prosecution case, as lodged by the informant, is that the informant alleged that while the informant along with his brother Prakash Yadav was returning from Jamui, they saw that Bhutai Yadav, Rashid Miya, Panchu Miyan @ Md. Eqbal Ansari (the petitioner), Arjun Turi, Upendra Yadav and Ramniwan @ Ramji Yadav were standing on three motorcycles and as soon as they reached near them, they opened fire and thereafter, he along



with his brother started fleeing away, Arjun Turi fired which hit on the thumb of right hand of Prakash Yadav and the second fire was opened by Panchu Miyan(the petitioner) which hit on the right hand of Prakash Yadav. The third shot was fired by Rashid Miyan which hit on the thigh of Prakash Yadav. Thereafter, Bhutai Yadav fired on the temple of Prakash Yadav causing his death on the spot. Learned counsel for the petitioner submits F.I.R. was lodged on 23.02.2014 but the inquest report was prepared prior to 22.02.2014. From perusal of the post mortem report, it appears that the deceased got one wound of entry and another wound of exit on his neck, just below the ear. No injury is said to have been caused by the petitioner and the firearm injury was caused by Bhutai Yadav.

It has been submitted by the learned counsel for the petitioner that he is innocent has falsely been implicated in the aforesaid case as the injury alleged to have been caused by the petitioner is on the right hand of the deceased, Prakash Yadav and that of other co-accused, namely, Rashid Miyan which hit on the thigh of Prakash Yadav, although, the main allegations is against Bhutai Yadav. He further submits that the injury report also specifies two fire arm injuries, one wound of entry and another wound of exit and charge sheet has already been submitted against



the petitioner, hence, there is no chance of tampering with the prosecution evidence. He further submitted that other co-accused, Rashid Mian has already been granted privilege of bail by a Co-ordinate Bench of this court in Cr. Misc. No. 11572 of 2015 on 06.08.2015.

However, learned A.P.P. for the State submits that the petitioner is named in the F.I.R. and, hence, opposes the prayer for bail.

Considering the facts aforesaid and materials on record let the above named petitioner be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jamui in connection with Khaira P.S.Case No. 32 of 2014, subject to the condition that the petitioner will appear before the learned Court below on all dates during trial, and failure to appear before the learned court below on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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