

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54094 of 2017

Arising Out of PS.Case No. -110 Year- 2017 Thana -UJIYARPUR District- SAMASTIPUR

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1. Dilshad Ahmad @ Dilshad, S/o Late Rashid Alam, Resident of Village- Sadpura, P.S.- Kazi Mohammadpur, District- Muzaffarpur.
 2. Md. Husnain, S/o Md. Nasir, Resident of Village- Sadpura, P.S.- Kazi Mohammadpur, District- Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Kamlesh Kumar Sharma, Advocate.

For the Opposite Party/s : Mr. Ramesh Chandra, APP.

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

2 14-11-2017 Heard learned counsel for the petitioners and learned APP for the State.

The petitioners seek bail in Ujiarpur P.S. Case No. 110 of 2017 registered under Sections 461, 379, 511, 414, 353 and 307/34 of the Indian Penal Code and Sections 25(1-b)a, 26, 27 and 35 of the Arms Act.

The petitioners are said to have been making attempt to break the lock of the shop and resorted firing upon the police party on its arrival at the place of occurrence, but no one sustained injury. The petitioners were apprehended on the spot. From the possession of petitioner no.1 Dilshad Ahmad, one country made pistol and one live cartridge were recovered and from possession



of petitioner no.2 Md. Husnain, one iron khanti was recovered.

It is submitted by learned counsel for the petitioners that no such occurrence as alleged ever took place. As a matter of fact, the petitioners worked as labourer in the house of the informant and on demand of their outstanding wages, they have been falsely implicated in the case by the informant in collusion with the police. The petitioners have been languishing in custody since 01.07.2017.

In the facts and circumstances of the case, petitioner no. 2, namely, Md. Husnain is directed to 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 the learned Sub-Divisional Judicial Magistrate, Dalsingsarai, Samastipur in connection with Ujiarpur P.S. Case No. 110 of 2017.

Prayer for bail of petitioner no.1, namely, Dilshad Ahmad is rejected. However, he may renew his prayer for bail after three months or framing of charge whichever happens earlier.

(Prakash Chandra Jaiswal, J)

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