

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.13333 of 2018

Arising Out of PS.Case No. -346 Year- 2017 Thana -BHABHUA District- BHABHUA (KAIMUR)

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1. Saddam Ansari, Son of Muslim Ansari, Resident of Village- Khanau,
Police Station- Bhabua, District- Kaimur (Bhabua).

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Pravesh Nath Tiwari, Advocate

For the Opposite Party/s : Mr. Surendra Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 18-04-2018

Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

The petitioner is languishing in custody for the offences punishable under Sections 302, 307/34 of the Indian Penal Code and Section 27 of the Arms Act.

According to first information report, though the petitioner is not assailant of the deceased. However, allegation is that the firing of the petitioner caused injury at the head of the informant. The Doctor has found injury at the head of the informant, caused by firearm. The petitioner is in custody since 16.06.2017.

Learned counsel for the petitioner submits that for the occurrence of the same day, one Jay Prakash Pandey, who was also injured of the subsequent occurrence lodged his Fardbeyan



with Bhabua Police Station, alleging therein that in fact Muslim Ansari had caused injury to the informant of this case and not the petitioner.

Learned Counsel for the informant opposed the prayer for bail on the ground that co-accused Kayum Ansari and Sonu have been refused bail by a Coordinate Bench of this court even after noticing the fact that they were not assailants of the deceased.

Considering the nature of allegation and available conflicting material on the record, let the petitioner, above named, be released on bail **on completion of one year of custody or after framing of the charge, whichever is earlier** on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with Bhabua P.S. Case No.346 of 2017, with condition that the petitioner shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

Mkr./-Sarvesh

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