

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30577 of 2018

Arising Out of PS. Case No.-9 Year-2017 Thana- ASARGANJ District- Munger

MD. SHAHBAZ @ MITHHU, Son of Md. Ishtiyak, Resident of Village-
Asha Jorari, P.S.- Asarganj, District- Munger.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kumar Choudhary

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

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 17-05-2018

Heard learned counsels for the petitioner and State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 302 of the IPC and Section 27 of the Arms Act.

The prosecution case, got initiated with the fardbeyan of Md. Ishtiyak recorded by S.I. Asarganj, Police Station, on 25.01.2017 at 8 P.M. at Ashajorari & Kharwa baihar Near Tettraha bridge, to the effect that the informant's sons used to guard the grains in the field. On 25.1.2017 at 05 P.M. the three sons of the informant, namely, Md. Perwez, Md. Manglu and Md. Shabbir, went to the farmhouse. Out of three sons Md. Shabbir and Manglu stayed there and the third son Md. Perwez came to the house at 6 P.M. to take food. In the meantime at 6.45 P.M. somebody having concealed his face, came to



the farmhouse and searched for Md. Perwez, the son of the informant, when the other son of the informant, Md. Shabbir, asked the reason for searching his brother, the said person fired upon him. Then other son of the informant, Manglu, came home and conveyed about the occurrence to the informant leading to registration of FIR against unknown. During investigation the petitioner's name sprang up as the person who was found roaming around the place of occurrence, one day prior to the occurrence.

It is submitted by the learned counsel for the petitioner that only on suspicion the accusation has been levelled and the petitioner was participating in some feast in the village and this fact has been supported by the informant himself by filing an affidavit before the learned Court below.

A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the name of the petitioner sprang up during investigation.

Considering the fact that the FIR was lodged against unknown and the name of the petitioner sprang up during investigation on the basis of circumstantial evidence, coupled with the statement made in paragraph no. 3 of the petition that the petitioner is not having any criminal antecedent, let the



above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned C.J.M., Munger in connection with Asarganj P.S. Case No. 9 of 2017, G.R. NO. 198 of 2017, subject to the condition as laid down under Section 438(2) of the Cr. P.C..

(Dinesh Kumar Singh, J)

Amrendra/-

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