

**IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26020 of 2018**

Arising Out of PS.Case No. -178 Year- 2016 Thana -
WARISNAGAR District- SAMASTIPUR

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Md. Asif, Son of Md. Ajad @ Md. Ansar Azad, resident of
Village- Chaknoor, P.S.- Muffasil, District- Samastipur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pravin Kumar

For the Opposite Party/s : Mr. Sri Kumar Ranjit Ranjan

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER**

3 18-05-2018 The petitioner seeks bail in connection with
Warishnagar (Mathurapur O.P) P.S. Case No. 178 of 2016
instituted for the offences under Sections 302, 307/34 of the
Indian Penal Code and Section 27 of the Arms Act.

The informant has alleged that while his wife,
daughter-in-law and the daughter of his co-brother were
coming back home after distributing *prasad* in the
neighbourhood on the occasion of the engagement ceremony
of his son, some unknown persons fired at them, leading to
injuries to his wife and daughter-in-law, both of whom later
succumbed to such injuries. The daughter of his co-brother
remained unhurt.

During the course of investigation, the daughter of the



co-brother of the informant disclosed that one Raja of the locality had been stalking her from before and wanted her to enter into some kind of liaison and when she refused, she was threatened. It was, therefore suspected by her that Raja might have tried to kill her but accidentally the two deceased ladies received injuries and died.

During the course of investigation, one Jafran is also stated to have been arrested who disclosed that one Suraj, another veteran criminal of the area, had disclosed that he had killed two ladies in association with the petitioner and another. On the basis of that confession made by one of the co-accused persons before an arrested co-accused person, the petitioner has been made accused in this case.

Though the petitioner is facing prosecution in many cases, but learned counsel for the petitioner has submitted that only because of the criminal antecedents of the petitioner, he has been roped in this case without making efforts at investigating as to who fired at the deceased ladies. It has further been submitted that mere fact that the ladies were not ill treated and nothing was robbed from them further supports that the killing was aimed at something else. In that view of the matter, without proper investigation, the petitioner ought not to be kept into custody.

The petitioner is in custody since 05.12.2017.



Regard being had to the nature of accusation against the petitioner on the basis of absolute suspicion and the period of his custody, the petitioner, above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand) with sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Samastipur in connection with Warishnagar (Mathurapur O.P.) P.S. Case No. 178 of 2016.

(Ashutosh Kumar, J)

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