IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53273 of 2018
Arising Out of PS. Case No.-547 Year-2017 Thana- DANAPUR District- Patna

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Md. Asif Mallick @ Asif Mallick S/o Late Ahshan Mallick @ Munna Miyan, R/o Sabait, P.S.- Nalanda, District- Nalanda. ... ... Petitioner/s

Versus

The State of Bihar ... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Shailendra Kumar Jha
For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 30-10-2018 Heard the learned counsel for the petitioner and the State.

The petitioner seeks bail in anticipation of his arrest in connection with Danapur P.S. Case No. 547 of 2017 dated 10.08.2017 instituted for the offences under Sections 147, 148, 149, 341, 323, 302 and 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

The petitioner is not named in the F.I.R.

The allegation of firing at the deceased has been attributed to Prem Ratan Rai and Arjun Rai, which led to the death of the brother of the informant at Paras Hospital. The name of the petitioner transpired in the confession of co-accused persons at a much later stage.

Learned counsel for the petitioner has drawn the attention of this Court to certain paragraphs of the case-diary where the name of the petitioner finds mention. One of the witnesses of the case, namely, Fahim Azad Khan has given his 164 statement also, in

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which he has named the petitioner but in a general way. The CDR of the mobile telephone of the petitioner also reflects that the petitioner was in touch with other accused persons.

Learned counsel for the petitioner submits that this cannot be the basis for jumping to the conclusion that the petitioner has participated in the occurrence.

Considering the aforesaid facts as also taking into account that the petitioner does not have any criminal antecedents and his implication in this case is only on the confession of the co-accused, the petitioner above-named is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-I, Danapur, Patna in connection with Danapur P.S. Case No. 547 of 2017, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

(Ashutosh Kumar, J)

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