

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51010 of 2018

Arising Out of PS.Case No. -235 Year- 2018 Thana -SAHEBGANJ District- MUZAFFARPUR

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1. Md. Afaque @ Afaque Ahmad Son of late Mahmudul Hassan
2. Md. Irfan Son of Iqbal Ahmad Both are Resident of Village- Araji Nawa
Nagar, Ward No. 12, P.S. Sahebganj, District- Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Adv.
For the Informant : Mr. Purushottam Jha, Adv.
For the Opposite Party/s : Mr. Ajay Kumar-2, APP

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 03-10-2018 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek bail in Sahebganj P.S. Case No.
235/2018, registered for the offences punishable under Sections
341, 342, 323, 307, 504 and 506 of the Indian Penal Code and
sections 25(1-b)a, 26, 35 and 27 of the Arms Act.

Allegation against Md. Irfan petitioner no. 2 is that he
opened fire on the informant by the country-made pistol which did
not hit the informant and allegation against Md. Afaque petitioner
no. 1 is that upon his order informant was forcibly taken to
Madarsa against his wish.

It has been submitted that petitioners have falsely been



implicated in this case. No arms and ammunitions have been recovered from the possession of the petitioners. There is no fire-arm injury on the person of the informant. There is case and counter case.

Petitioners have no criminal antecedent. They are in custody since 28.06.2018.

Considering the facts aforesaid, the petitioners above-named, are directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Twenty thousand) each with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate Ist, Muzaffarpur in connection with Sahebganj P.S. Case No. 235/2018, subject to the conditions:

- (1.) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2.) Petitioners shall co-operate in the trial and shall be present on each and every date fixed by the court and their absence on two consecutive dates without proper and reasonable reason will be sufficient to cancel their bail bonds.
- (3.) If the petitioners tamper with the evidence



or the witnesses of the case, in that case,
prosecution will be at liberty to move for
cancellation of bail of the petitioners.

(S. Kumar, J)

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