

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1454 of 2018

Arising Out of PS. Case No.-444 Year-2016 Thana- KISHANGANJ District- Kishanganj

Md. Munna, S/o Tasir @ Tasirruddin, resident of Village- Purana Kharga
Bilatibari, P.S. & District- Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar Sinha, Advocate

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

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 19-02-2018

Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
30.08.2017 in connection with Sessions Trial No. 179 of 2017
arising out of Kishanganj P.S. Case No. 444 of 2016 registered
for the offence punishable under Sections 307 and 379/34 of the
Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, as lodged by the informant, is
that while he went along with co-accused Didar Alam to recover
Rs. 8,000/- given to the petitioner, co-accused Didar Alam
handed over a pistol to the petitioner and the petitioner fired on
the informant, which hit him on the cheek. Thereafter, petitioner
along with co-accused Didar Alam took him to the hospital for
treatment and on the way petitioner also snatched some money



from the pocket of the informant.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that it is highly improbable that after injuring the informant, petitioner will take him to the hospital and that case has already been committed. He submits that petitioner undertakes to cooperate in the trial on day to day basis.

However, learned A.P.P. for the State opposes the prayer for bail stating therein that the fire arm injury has been opined medically to be grievous in nature.

Considering the facts and circumstances and the materials on record, let the petitioner, named above, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II, Kishanganj in connection with Sessions Trial No. 179 of 2017 arising out of Kishanganj P.S. Case No. 444 of 2016, subject to the conditions that:

- (1) Both the bailors would be close relative of the petitioner having sufficient immovable properties, who will file an



affidavit stating their relationship with the petitioner.

(2) The petitioner will appear before the learned Court below on each and every date and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J.)

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