

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51073 of 2018

Arising Out of PS.Case No. -1856 Year- 2017 Thana -SASARAM NAGAR District- SASARAM
(ROHTAS)

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Rafique Ahmad Son of Late Abdul Gani Resident of Mohalla - Kajipura At
+ P.O. – Sasaram, Police Station - Sasaram (T), District - Rohtas.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bindhyachal Singh, Adv.

For the Opposite Party/s : Mr. Abhinay Raj, APP

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

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

Petitioner seeks bail in Sasaram Town P.S. Case No.
1856/2017, registered for the offences punishable under Section
302 and 34 of the Indian Penal Code and section 27 of the Arms
Act.

Allegation against petitioner is that he was instigating
his sons to kill Jai Ram Chaudhary (son of the informant). On his
instigation, co-accused Shakil Ahmed opened fire upon chest of
the informant's son. Thereafter, all the accused persons made
indiscriminate firing upon the son of the informant. Informant's
son died during treatment.

It has been submitted that there is no specific allegation
against the petitioner of causing fire-arm injury. There is case and
counter case. Son of the petitioner was also killed by the



informant's side. Petitioner is in custody since 18.05.2018.

Considering the facts aforesaid, the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Rohtas at Sasaram in connection with Sasaram Town P.S. Case No. 1856/2017, subject to the conditions:

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

(S. Kumar, J)

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