

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5538 of 2018

Arising Out of PS.Case No. -46 Year- 2015 Thana -SIWAN CITY District- SIWAN

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1. Aftab Alam @ Md. Aftab, Son of Saleem Mian, Resident of Village-Sahnawazpur, P.S.-Taraiya, District-Chapra.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate

For the Opposite Party/s : Mr. Matloob Rab, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 16-03-2018 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is languishing in custody for the offences punishable under Sections 147/148/149/452/307 of the Indian Penal Code and 27 of the Arms Act. Later on offence under Section 302 of the Indian Penal Code was added.

Initially co-accused Rais Khan fired with AK-47 at the leg and stomach of the deceased and thereafter six other persons including the petitioner also fired causing his death.

Submission of the learned counsel for the petitioner is that only three fire-arm injuries have been noticed by the doctor at the time of post mortem examination which is inconsistent with the general and omnibus allegation against the



petitioner and others. The petitioner is in custody since 30.06.2016. The trial is yet to begin.

Learned counsel for the informant opposed the prayer on the ground that the petitioner has got criminal antecedent and in the event of release petitioner would hamper the progress of trial.

Considering the nature of allegation and the period already undergone, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with Siwan Town P.S. Case No.46 of 2015, with condition that the petitioner shall fully cooperate with the trial of the case and shall file affidavit before the learned Court-below that he would not tamper with the evidence. In the event of non-compliance of undertaking, the learned Court-below shall be at liberty to cancel the bail-bond of the petitioner.

(Birendra Kumar, J)

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