

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.20994 of 2018

Arising Out of PS. Case No.-73 Year-2017 Thana- RAMGARHWA District- East Champaran

Asraf Ali son of Md. Zobair resident of village - Murgiya Tola, P.S.
Ramgarwa, District - East Champaran. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Sri Arun Kumar Singh -5

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

2 26-04-2018 Heard learned counsel for the petitioner and learned
APP for the State

The petitioner apprehends his arrest in the connection with Ramgarhwa P.S. Case No. 73 of 2017 registered for the offences punishable under Sections 302,120B of the Indian Penal Code and sections, 25(1-b) a, 26,27,35 of the Arms Act.

Allegedly, the petitioner and co-accused Sabdar Alam were making conspiracy and after seeing the informant and his brother-in-law they went away and thereafter, other co-accused armed with gun were fleeing away and they have killed the father of the informant. Motive behind the occurrence is that prior to six months of the alleged occurrence the accused persons murdered the uncle of the informant for which Ramgarhwa P.S. Case No. 124 of 2016 was lodged and the accused persons were pressurizing the father of the informant to compromise that case.



Submission is of false implication and that against the petitioner there is only allegation that he and co-accused Sabdar Alam were seen talking making conspiracy. The petitioner was not seen fleeing away nor the petitioner had surrounded the father of the informant and assaulted him. The petitioner is not the accused in Ramgarhwa P.S. Case No. 124 of 2016 and in this case the other co-accused Md. Shakil and Md. Zobair have been granted anticipatory bail in Cr. Misc. Nos. 37856 of 2017 and 7422 of 2018 respectively by another co-ordinate Bench of their Court vide Annexure-3 and the case of the petitioner is on better footing.

Learned APP fairly submits that against the petitioner there is no allegation for surrounding the father of the informant and other co-accused have been allowed pre-arrest bail.

In the facts and circumstances stated above, the petitioner, above named, in case of his arrest or surrender within four weeks from the date of receipt/production of copy of this order, is directed to be released on bail on execution of bail bonds of Rs. 10,000 (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Raxaul, East Champaran at Motihari, in connection with Ramgarhwa P.S, Case No. 73 of 2017, subject



to the condition as laid down under Section 438 (2) of the
Cr.P.C.

(Jitendra Mohan Sharma, J)

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