

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.66 of 2018

Arising Out of PS.Case No. -65 Year- 2016 Thana -TARABARI District- ARRARIA

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Md. Mansoor Master @ Md. Mansoor Alam, Son of Late Hafijuddin @
Hafij, resident of Village- Balbat, P.S.- Tarabari, District- Araria, Bihar.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Kaushlendra

For the Opposite Party/s : Mr. Sri Umanath Mishra

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 17-01-2018 Heard learned counsel for the petitioner and learned
APP for the State.

This is the second round of litigation. Earlier prayer for
bail of the petitioner was rejected by order dated 06.07.2017
passed in Cr. Misc. No. 26284 of 2017.

Petitioner is languishing in judicial custody since
22.03.2017 in connection with Sessions Trial No. 322 of 2017
arising out of Tarabari P.S. Case No. 65 of 2016, G.R. No. 2375 of
2016 for offences punishable under Sections 341, 323, 326, 307,
504, 34 of the Indian Penal Code and under Section 27 of the
Arms Act.

The prosecution case, as lodged by the informant, is



that he went at the residence of the petitioner to repair his motorcycle and after repairing, he demanded payment. On this, the petitioner along with four named accused and 3-4 unknown persons assaulted him. The petitioner fired on him with his pistol which hit the informant on his back.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case and bears no criminal history as he was involved in one case earlier in which he has been acquitted. He submits that he undertakes to cooperate in the trial on day to day basis.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner was the main accused and he fired which hit the informant on his back and injury is serious in nature.

Considering the facts and circumstances and the materials on record, the period of custody as well as the undertaking of the petitioner, let petitioner, above named, 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 learned A.D.J.-IIIrd, Araria in connection with Sessions Trial No. 322 of 2017 arising out of Tarabari P.S. Case



No. 65 of 2016, G.R. No. 2375 of 2016 subject to the conditions that:

- (1)

One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.
- (2)

Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

Devendra/-

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