

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2269 of 2018

Arising Out of PS. Case No.-96 Year-2016 Thana- CHANDRADEEP District- Jamui

Hussain Shah, Son of Gulam Rasool Resident of Village - Nawadih, Police Station - Kawakol, District - Nawadah.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binay Kumar, Adv.

For the Opposite Party/s : Mr. J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-01-2018 Heard learned Counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 302, 307/34, 120B of the Indian Penal Code and 27 of the Arms Act.

The prosecution case got initiated on the basis of written report dated 08.10.2016 submitted by Md. Jamal to the Station House Officer, Chandradeep Police Station is to the effect that on 08.10.2016 at 08.00 A.M., the informant came to take tea at the tea shop of Rajendra Yadav along with Md. Aslam, who happens to be cousin brother and brother-in-law of the informant, where, Nezamuddin was also present from before. All persons present on tea stall while talking were taking tea. At 8.10 A.M., two persons came on a motorcycle being driven by Md. Azhar @ Sufiyan and Rajkishore was pillion rider. Md.



Azhar is related to the village of the informant. In the meantime, Md. Azhar @ Sufiyan signalled towards Md. Aslam, then the firing was made by Rajkishore causing injury on the chest of Md. Aslam when the other firing made by Rajkishore hit on the leg of Rajendra Yadav, the tea vendor. In the meantime, Md. Azhar kept the motorcycle started and thereafter the person who shot Md. Aslam sat on the motorcycle as a pillion rider and Md. Azhar @ Sufiyan started driving the motorcycle. On alarm being raised, the nearby villagers came and started pelting stones. As a result, the pillion rider received injuries and he fell down from the motorcycle, but Md. Azhar @ Sufiyan escaped from the scene. The person who made the shot and fell down from the motorcycle was caught by the people. In the meantime, the police force also came and the said person disclosed his name as Rajkishore, but he also disclosed the name of the person who escaped from the motorcycle as Md. Azhar @ Sufiyan. It is alleged against the co-accused, Meraj Shah and Minhaj Shah and the petitioner that they were keeping watch over Md. Aslam at the behest of Md. Azhar @ Sufiyan with whom there was some dispute at earlier point of time leading to registration of criminal case and in pursuance to the same, he was sent to jail. It is alleged against this petitioner that the



petitioner informed through telephone about presence of Md. Aslam at tea shop with the accused persons.

It is submitted by learned counsel for the petitioner that admittedly the petitioner was not present at the place of occurrence. The specific accusation is that at the instigation and signal of Md. Azhar @ Sufiyan, co-accused, Rajkishore fired at Md. Aslam and only on the basis of suspicion, the accusation has been levelled. Moreover, other conspirator like the co-accused namely, Md. Meraj Shah, Minhaj Shah and Kalam Singh have been granted anticipatory bail by different benches of this Court vide Criminal Miscellaneous Nos. 19204 and 16831 of 2017. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by Mr. J. N. Thakur learned APP for the State that it is specifically alleged that the petitioner is one of the conspirator.

Considering the thrust of accusation against co-accused Rajkishore coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the



learned Court below within a period of 12 weeks from today, on
furnishing bail bond of Rs.10,000/- (ten thousand) with two
sureties of the like amount each to the satisfaction of the learned
Judicial Magistrate, 1st Class, Jamui, in connection with
Chandradeep P.S. Case No.96 of 2016, subject to the conditions
as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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