

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38364 of 2018

Arising Out of P.S.Case No. -191 Year- 2014 Thana -KALYANPUR District- SAMASTIPUR

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Md. Sanum Mian @ Md. Sayum, Son of Md. Sattar @ Abdul Sattar,
Resident of Village- Manzil Mubarak, P.S. Kalyanpur, District- Samastipur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy

For the Opposite Party/s : Mr. Kanhaiya Kishore

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

3 23-07-2018 Heard learned counsel for the petitioner as well as
learned APP for the State.

The petitioner is in custody in connection with
Kalyanpur P.S.Case No.191 of 2014 registered for an offence
under Sections 302 and 394/34 of the IPC as well as 27 of the
Arms Act.

As per FIR, three unknown miscreants came on a
motorcycle intercepted the brother of the informant and in course
of snatching money, shot fire on the deceased due to which he
died at the spot.

It has been submitted that the petitioner is neither named
in the FIR nor any incriminating material has been recovered from
the petitioner. There is nothing on record suggesting the



complicity of the petitioner in the above crime. In course of investigation, some of the witnesses have stated that one Hira Mahto in course of snatching money shot fire on the deceased resulting his death at the spot. The name of the petitioner has been disclosed after nine months of the occurrence. The petitioner is in custody since 23.06.2015.

The learned APP opposed the submissions.

On going through the FIR, I find that the petitioner is not named in the FIR. From paras, 6, 7, 8 and 9 of the case diary, it appears that all the witnesses have stated that one Hira Mahto shot fired at the deceased at the time of snatching money, resulting his death. The name of the petitioner surfaced after nine months of the occurrence.

Considering the aforesaid facts and circumstances, prayer for bail is allowed. Let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of 3rd Additional Sessions Judge, Samastipur in connection with Sessions Trial No.495 of 2015 arising out of Kalyanpur P.S.Case No.191 of 2014/G.R.No.2380 of 2014, with following conditions:-

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable



- property within the jurisdiction of the concerned Court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall cooperate in the disposal of trial and make themselves available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

(Sanjay Kumar, J)

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